



# STUDENT ADVISORY BOARD 2013-2014 ANNUAL REPORT HUMAN RIGHTS

18th Congressional District  
Saturday, May 31, 2014

## TABLE OF CONTENTS

Introduction	3
Survey results	4
Criminal Rights Subcommittee	5-16
Education Subcommittee	17-25
Healthcare Subcommittee	26-31
Immigration Subcommittee	32-40
Labor Subcommittee	41-53
LGBT/Diversity Subcommittee	54-59
Privacy/Security Subcommittee	60-75
Women's Rights Subcommittee	76-83
Conclusion	84
List of 2013-2014 Student Advisory Board Members	85

## **2014 18<sup>th</sup> Congressional District Student Advisory Board**

This year the overarching umbrella topic of our research is human rights. As we were brainstorming ideas at the beginning of the year, it quickly became apparent that human rights is a complex and diverse issue with many different facets that each of us could delve into. Because human rights is such a broad topic, the Student Advisory Board chose to limit our focus to domestic human rights issues, specifically women's, LGBT/diversity, immigration, labor, education, healthcare, privacy/security, and criminal rights.

Human rights are defined by Amnesty International as "basic rights and freedoms that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or other status." Though explicitly defined in documents like the United Nations Declaration of Human Rights, the difficulty to innumerate all human rights leaves them vulnerable to violation. Thus, the Student Advisory Board has compiled its research efforts to provide exposure to a variety of human rights issues and propose possible solutions to them in order help better protect these essential rights in the United States.

## Survey Results

In our discussions, the members of the board expressed a clear passion for human rights but were curious to see what our peers thought about the topic as well. We constructed a survey asking high schools students about their opinions, perceptions, and awareness of human rights issues. Over the course of one month, we collected 332 responses, which yielded the following results:

- 34% of respondents engage in conversations about human right daily; 20% monthly; 17% daily; 17% a few times per year; 12% seldom/never
- 68% of respondents engage in human rights conversations most often at school; 20% at home; 5% through social media; 2% through the larger community; 6% other;
- 72% of respondents were not aware of any current legislation on the topic
- 69% of respondents define human rights by the United Nations Declaration of Human Rights; 18% by the Bill of Rights; 11% other; 3% by a certain religious doctrine
- Within human rights, 29% of respondents cared most about education; 17% LGBT/diversity; 10% privacy/security; 10% other; 8% healthcare; 8% immigration issues; 8% women's rights; 7% labor rights; 4% criminal rights
- 42% of respondents were not satisfied with the US's approach to dealing with human rights on a domestic scale; 28% wanted to research more about US human rights policies before forming an opinion; 21% were undecided; 9% were satisfied
- 29% of respondents think public education is the most successful protection of human rights in the US; 18% labor unions; 17% Medicare/Medicaid; 15% welfare; 14% Affordable Care Act; 6% other

Based on our data, we deduce that students are most concerned about the issue that is closest to them: education. While this result is not necessarily surprising considering most respondents are beneficiaries of public education, it does illuminate the uplifting sentiment that students are aware of the benefits they have received from their education. Furthermore, our results highlight the importance of discussing human rights issues more in schools, as schools are currently the primary location of such conversations and have the necessary foundations for students to get involved and make a difference if they are properly informed about human rights issues. Students generally converse about human rights issues frequently, but appear largely uninformed about specific legislation and policies in the United States concerning those issues. The significant portion of students who disapproved of US human rights policies (42%) indicates that human rights is an area that needs more attention and improvement. While human rights may be difficult to define, the large majority of students use the United Nations Declaration of Human Rights to do so. Therefore, our report uses this widely accepted document as our primary guideline for defining human rights.

\*Note: The sum of some survey values is greater than 100% because values were rounded up to the nearest whole number.

## **Criminal Rights Subcommittee**

### ***Torture***

Ethan Oro

### **Background**

Torture is not an act per se but rather is a legal qualification of an action. Article 1 of the United Nations' Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) defines torture as inflicting, "severe pain or suffering, whether physical or mental, [and] is intentionally inflicted on a person for such purposes as obtaining from him .. information or a confession..." (Garcia 1) and later as an "extreme form of cruel punishment" (Garcia 1). Most international treaties consider torture to have three elements 1) intentional infliction of severe mental or physical suffering 2) direct or indirect involvement of a public official and 3) performed for a specific purpose. While many countries look to CAT as the standard for defining torture, CAT's power is limited because the ideals of the convention were not put forth in a UN resolution and hold no actual law-making power. The treaties signed by the CAT are self-executing by the countries who sign them and require passage in the individual home country legislative bodies. In the last session that sat in 2010, the U.S. agreed to pass Chapter 133c of the United States Criminal Code which criminalizes acts of torture, as defined by the CAT, outside of the U.S.; of note, torture was already criminal within the United States (Garcia 1). Moreover, the Detainee Treatment Act of 2006 (DTA) defines how and when the United States Criminal Code applies to aliens, foreigners within the U.S., and foreigners residing in other countries. Instructed to follow the Department of Defense (DOD)'s Army Field Manual (AFM) and the CAT's guidelines that are intended to be internationally recognized as the definite terms of torture. Furthermore, the Supreme Court's 2006 ruling in *Hamdan vs. Rumsfeld* ruled against Bush Administration's rejection of the 1949 Conference at Geneva's Common Article 3 regarding the treatment of armed conflicts with terrorist organizations highlights the archaic law system know as the United States Criminal Code.

### **Problem**

The ambiguity in the wording of the definition of torture poses some issues. In a situation where ambiguity allows for the stretching of the law, the United States Armed Forces could potentially take advantage of the unclear definition causing human rights violations in the name of protecting national security. What is defined as "severe" or "extreme" or cruel is not specified. The ambiguity in the United States Criminal Code and in the CAT's definition of torture enables organizations to take advantage of the loosely defined terms. Moreover, the issue of definite treatment with aliens or foreigners either on U.S. territory or foreign is defined within the scope of U.S. action, but not on an international level. Ratification of the terms and definition of torture as defined by the CAT has yet to be completed causing the United States' stance on torture, if enacted against foreigners, to possibly violate their own laws. Finally, the out-dated law code that continues to have law chapters added to it rather than be rewritten poses many questions of the interpretation of the both older conferences such as the 1949 Geneva Conference and the

current United States Criminal Code.

### **Solution**

The Board would like to propose three reforms to the status quo in order to decrease ambiguity in the law and to make the law code more. The Board is proposing a single, cohesive bill that codifies the various approaches to torture across the world. The Board proposes a revision of the United States Criminal Code. This revision would enable the United States' wording on torture to be more specific than the current one, allowing for less ambiguity and an increased protection of human rights. Secondly, this bill will ratify a revised version of the U.N. CAT definition of torture and take the provisions suggested by the council and legislate them. Finally, this bill would require Congress to codify the various Geneva Conferences and mandates passed regarding torture.

### **Works Cited**

United States. Closing the Guantanamo Detention Center: Legal Issues. Rept. R40139. Washington: GPO, n.d. Print.

U.N. Convention Against Torture (CAT): Overview and Application to Interrogation Techniques. Doc. RL32438. Washington: GPO, n.d. Print.

The U.N. Convention Against Torture: Overview of U.S. Implementation Policy Concerning the Removal of Aliens. Doc. R32276. Washington: GPO, n.d. Print.

***Death Penalty***  
*James Sun*

**Background**

Even with the life of a person on the line, the congress still does not debate this issue. The death penalty is an old law that needs to be revised in order to be more effective. Although threatening dangerous criminals with the death penalty may be an effective way to reduce crime throughout the country, the death penalty is both inefficient and costly. Also, there have been more than one hundred cases of death penalties on innocent people. These innocent people have been executed for the crimes of others in order to “protect the people.”

**Problem**

Although a court trial for a criminal that has been charged with prison for life without parole will take several months, the average death row criminal could take nearly double the time. Because of this long waiting time, the costs quickly rise as lawyers and facility maintenance costs rise. Not only does this severely stretch the sixth amendment rights of a right to a speedy trial for death row inmates that have been waiting, it also raise the costs of the imprisonment. Also, the average time for a trial for death row inmates is nearly triple the time as a trial for a jail for life without parole criminal. Although the government advocates that these trials are to ensure the correct sentencing of the criminal, many innocent prisoners in the past few years were sent to be executed.

A trial for a criminal charged with prison for life without parole will cost much less than an execution trial. With Californian taxpayers paying almost ninety thousand dollars per year for death row inmates, the death penalty is time consuming for courts to process. The cost for lawyers also adds up extremely quickly because of the slower trials. California itself has spent more than four billion dollars since 1978 when it first reinstated the death penalty. If the Californian government abolishes the death penalty, more than one hundred and eighty-four million dollars would be saved a year. We would also be able to give the criminal the rights of the Sixth Amendment and save nearly two hundred million dollars a year.

**Solution**

While these issues are less severe in California than in other states, the lives of humans must be taken into consideration. The simple solution to all of these problems would to simply abolish the death penalty altogether. If criminals that commit severe crimes are sentenced with life in prison without parole, millions in dollars would be saved and the risk of innocent people being killed would be severely reduced.

## Works Cited

"America's Retreat From the Death Penalty." *The New York Times*. Ed. Death Penalty. The New York Times, 01 Jan. 2013. Web. 14 Mar. 2014.

"Death Penalty: The High Cost of the Death Penalty." *Death Penalty: The High Cost of the Death Penalty*. Ed. Dude Guy. Death Penalty, 5 Apr. 2013. Web. 13 Mar. 2014.

"Saving Lives and Money." *The Economist*. Ed. Economist Guy. The Economist Newspaper, 14 Mar. 2009. Web. 13 Mar. 2014.



## ***Prison Overcrowding***

Logan Kemp

### **Background**

There has been a 788% increase in the number of federal prison inmates since 1980, and prisons are only becoming more expensive to operate and maintain (James 1-60). This dramatic increase in both the numbers of prisoners and the cost of care have led to an increase in appropriations for the Bureau of Prisons (BOP) to rise from \$3.668 billion in 1980 to \$6.641 billion in 2013 (James 1-20). Yet even \$6.641 billion is not enough, as the BOP has had to postpone modernization projects and repairs in order to handle the increasing number of prisoners.

### **Problem**

Because America is not maintaining its prison infrastructure, our prisons are breaking down. Of the 117 total federal prisons, about 1/3 are over 50 years old, and they are becoming increasingly costly to maintain. With no new prison infrastructure, governments and private contractors have to come up with ways to fit more prisoners into existing prisons which were never designed for such capacity.

The 8<sup>th</sup> Amendment states that punishments cannot be “cruel and unusual,” however, many of the conditions prisoners are forced to live in are cruel and unusual. In 2011, California prisons were at almost double their capacity. The Supreme Court ruled that this prison overcrowding has reached the level of “cruel and unusual” punishment. Nebraska has overcrowding problems that require new prisons to be built, which in turn necessitates millions of dollars in additional funding. In 2014, Alabama prisons came under federal investigation due to rampant abuse of prisoners, with Alabama’s prisons having the second highest number of inmates per capita in the country.

Congress must take dramatic action soon because this problem is growing rapidly, and without federal assistance, many states will not have the resources necessary to combat the problem of overpopulation. This means the 8<sup>th</sup> Amendment rights of prisoners will continue to be violated due to overcrowding. The safety of both prisons and prison staff has been jeopardized, as the BOP estimates that for every 1% increase in a prison’s overcrowding (as calculated by the prison’s stated capacity), that prison’s annual serious assault rate increases by 4.1 assaults per 5,000 inmates (James 1-60).

### **Solution**

There is no silver bullet to solve prison overcrowding in the federal system, but there must be a comprehensive effort. This is a problem that has been growing since the 1980’s, and we cannot expect to solve a problem that has been 30 years in the making overnight. But this is why Congress must act urgently in order to start on the path toward a solution.

Most of the growing prison population is due to drug crimes, which is why Congress should reduce some mandatory minimum sentences and eliminate others. Mandatory minimums

are forcing some drug-related criminals to serve much longer sentences than they otherwise would.

In addition, Congress should expand probation programs that allow for prisoners to serve parts of their sentence under the supervision of probation officers. This would noticeably help the budget, as the cost of a probation supervisor is \$3,938 per prisoner per year, compared to the cost of incarceration, which is \$29,027 per prisoner per year.

Congress can also change the federal criminal code and sentencing guidelines, which would allow states more leeway in terms of prosecuting and sentencing crimes, reducing the size of the prison population in federal prisons.

Nationwide prison overpopulation is an enormous problem which is directly responsible for causing constitutional rights to be violated in the name of profit. This problem is forecasted to worsen significantly, without swift and immediate action by Congress to help reduce the federal prison population. Action on the part of Congress with regards to this issue is absolutely necessary to put us on a stable and humane path toward respecting the constitutional rights of prisoners.

### **Works Cited**

- Editorial Board. "California's Continuing Prison Crisis." . New York Times, 10 August 2013. Web. 3 Mar 2014. <[http://www.nytimes.com/2013/08/11/opinion/sunday/californias-continuing-prison-crisis.html?\\_r=0](http://www.nytimes.com/2013/08/11/opinion/sunday/californias-continuing-prison-crisis.html?_r=0)>.
- James, Nathan. "The Federal Prison Population Buildup: Overview, Policy Changes, Issues, and Options." (2013): 1-60. *Congressional Research Service*. Database. 19 Feb 2014.
- James, Nathan. "The Bureau of Prisons (BOP): Operations and Budget." (2013): 1-20. *Congressional Research Service*. Database. 19 Feb 2014.
- O'Hanlon, Kevin . "Overcrowding might necessitate new state prison." *JournalStar.com*. N.p., 11 Feb 2013. Web. 3 Mar 2014. <[http://journalstar.com/news/state-and-regional/nebraska/overcrowding-might-necessitate-new-state-prison/article\\_592fe32c-6877-5a6b-8d05-6c1e5bdd0e92.html](http://journalstar.com/news/state-and-regional/nebraska/overcrowding-might-necessitate-new-state-prison/article_592fe32c-6877-5a6b-8d05-6c1e5bdd0e92.html)>.
- Severson, Kim. "Conditions at Ala. women's prison may violate rights." . Boston Globe, 2 Mar 2014. Web. 3 Mar 2014. <<https://www.bostonglobe.com/news/nation/2014/03/02/troubles-women-prison-test-alabama/hPSZg8REQijEgS6hLctAUP/story.html>>.

## ***Race Relations in Prison: Desegregation***

Mariam Nasrullah

### **Background**

The prison system in America has a long history of racial discrimination and segregation, which often goes ignored. A large percentage of the prison population is composed of racial minorities, such as African-Americans and Latinos. Behind bars, all prisoners, regardless of their ethnic background, lead troubled lives.

In California, if a prisoner does not opt to pick their own cellmate, they will be assigned a racially segregated two-person cell by default. According to the 2005 Supreme Court case, *Johnson v. California*, the chance of a California inmate being assigned a cellmate of a different race is “pretty close to zero percent” [3]. While prison officials say that this racial segregation is to ensure no violence between differing racial groups, inmates complain that the racial segregation by cell “provokes racial tension and riots among different ethnic groups within California’s prison system”.

### **Problem**

In the fall of 2008, the California Department of Corrections and Rehabilitation (CDCR) began to desegregate two prisons, yet officials expect full integration of all 33 California prisons to take years [2]. The main opponents of complete desegregation comes from the prisoners themselves. Racially motivated gangs, such as the Aryan Brotherhood and the Black Guerilla Family, threaten inmates who agree to participate in the desegregation. These gangs hold power and influence over prisoners, as they command the distribution of contraband and money, and decide who controls each cell house and who will profit from crimes committed outside prison walls.

### **Solution**

Inmates often look towards prison staff as judges of equality and justice. By watching staff members inappropriately show signs of intolerance, racism, and ignorance, inmates will believe this behavior is acceptable and follow suit. If prison staff, on the other hand, interact positively with people of different ethnic backgrounds, that will help prisoners understand that living together with people from different walks of life is possible. The Board proposes that more correctional facilities adopt training for their staff members, with programs modeled after Ohio’s Corrections Training Academy (CTA). The CTA offers a wide variety of courses ranging from Leadership, and Cultural Diversity, to other issues pertinent to today’s society like AIDS, Homosexuality, Conflict Resolution, and problems with the Americans with Disabilities Act. These courses have the ability to teach staff members how to identify their own prejudices, how to soften the result of these prejudices on thoughts and beliefs, and how to celebrate the diversity of others. Professional, sensitive, well-educated staff members who can work together with different ethnicities can truly serve as positive role models for inmates everywhere.

### Works Cited

- "Calif. Struggles to Desegregate Prison Inmates." *Msnbc.com*. N.p., n.d. Web. 29 May 2014.
- Intolerance In Prison: A Recipe For Disaster. *Intolerance in Prison: A Recipe for Disaster* (n.d.): n. pag. Web.
- Jacobs, James B. "Race Relations and the Prisoner Subculture." *Crime and Justice* 1 (1979): 1. Web.
- Trulson, C. R., J. W. Marquart, C. Hemmens, and L. Carroll. "Racial Desegregation in Prisons." *The Prison Journal* 88.2 (2008): 270-99. Web.

## ***Criminal Reintegration into Society***

*Megan Kuhnle*

### **Background**

Each year, about 700,000 inmates are released back into American society (Goodwill). The pressing question that our leaders must address is this: where will they fit into society, and how can programs help them prevent regression to criminal activity? A survey by the California Department of Corrections and Rehabilitation found that two thirds of former prison inmates return to prison within three years (Goodwill). Forty five percent of these people violate parole and return due to their violations (Goodwill). California Governor Jerry Brown has expressed his discontent with a “prison with revolving doors,” and most Californians want people to serve their time and then contribute to society once they are released. The most common way for criminals to get back on their feet is through employment, but other services like housing and support networks are needed as well (Library of Medicine). There are many pilot programs both in prisons and out of prisons that help prepare former inmates for life on their own (NIH, Uggen).

Nearly all job applications ask applicants about their criminal history, so former prisoners must admit to their crimes and reveal their history to employers (NIJ). This means that it is incredibly difficult for them to find work, leading to homelessness and other problems. Many companies have taken the initiative to hire convicted felons in order to give them a second chance. Chipotle, a popular Mexican restaurant with locations throughout the U.S., hires felons. Criminals who have jobs after release are far more likely to reform themselves and stay out of jail and prison in the future (NIJ). Their job provides a salary with which they can pay for living expenses like rent and housing, car related expenses, and other bare necessities like food. Goodwill also helps people get job training and find jobs. This prevents them from relying on people from their past life who may lead them back into bad habits (Simmons). Many prisons offer GED (General Education Development) diploma programs, which are roughly equivalent to holding a high school diploma, and vocational training. This certification and training can only go so far, however, in a working world that places innumerable value on higher education. As technology continues to expand, especially in Silicon Valley, online classes are being created that offer training in a convenient way (Goodwill). Job reintegration is off to a good start, and hopefully in the future the focus will be centered on providing meaningful jobs so there is more of an incentive for prisoners not to violate parole.

Housing is essential for newly released citizens so that they don't fall back into the same situation that they came from before they went to prison (NIJ). This can be living with family members, significant others, or members of a gang. However, in most states convicted felons are shunted to the bottom of the waiting lists for public housing. This causes newly released criminals to rely on their friends and families for a place to live, which often means that there are frequent opportunities for them to engage in illegal behavior. If the FHA (Federal Housing Administration) were to expand its services to help criminals who need a place to live after being released from prison, the recidivism rate would decrease because the temptations of their former life would be eliminated. In addition to housing, the role of faith is very important when trying to reduce the rate of recidivism. Many people who stay out of prison after being released are

involved with churches and are able to find jobs and housing through faith-based services. In Florida, there is a prison with a Faith and Character Based Residential program (DOJ). Research has proven that faith-based programs to eliminate drug usage are more effective than their non-faith-based counterparts (BJA).

### **Problem**

The current prison recidivism rate is far too high. In California, roughly two thirds of released prisoners return to prison within three years, which shows that criminals have a difficult time assimilating into what society has deemed a “normal” lifestyle upon release from prison. The current reintegration programs in place do not work well enough to keep people out of prison and lack sufficient funding.

### **Solution**

The federal government has already passed legislation in response to these issues including the Second Chance Act, the Federal Bonding Program, the Ready4Work program, and the Work Opportunity Tax Credit program (Goodwill). H.R. 4548 will also help with job creation. This bill, if passed, will direct the Secretary of Labor to include programs that teach technological literacy in any job training program for ex-offenders offered under the Workforce Investment Act of 1998.

However, there is always room for improvement. In order to assist felons with finding jobs, Congress should provide funds to states in order to create a program where former inmates who have successfully reintegrated into society are employed to travel to prisons and talk to prisoners who are nearing their release date about what they did to transition back to life outside of prison. This type of program would function best at the state level because the programs available vary from state to state, and also from county to county. Congress should provide grants to nonprofits that help with reintegration based on the amount of people helped and the success rates of the programs. Although congressional aid for faith-based programs would present a difficult issue due to the separation of church and state, programs like this should be encouraged because they work so well. If churches were categorized as nonprofits, they could receive financial assistance.

The Amity Foundation of California is working to alleviate the issues faced by released criminals and help ease the transition back into society. Their focus is specifically on substance abuse, and they provide programs for people dealing with abuse issues and families who are also affected by abuse. They provide assistance to people who have recently been released from prison as well as running programs in areas plagued by drug dealing and substance abuse in order to minimize the number of people sent to prison (Amity Foundation). This is an example of an organization that should be supported.

In addition to basic needs like housing, the privilege to vote should be returned to convicted felons once they are released from prison. This will make them feel like they are a part of their community and recognize the fact that they have served their time. While most Americans view voting as a right, it is actually a privilege, as convicted felons are not allowed to vote. Attorney General Eric Holder has expressed his support of reinstating voting rights for

released prisoners (TIME). Allowing them to vote may also help them view the legal system from a different perspective, specifically through jury duty. Most states prohibit convicted felons from serving on juries, but allowing them to do so will increase their interest in the community and provide contrasting perspectives on the jury (Binnall). Having the experience of viewing a trial from the point of view of a juror will also help them gain a fresh perspective judicial system. A recommended federal regulation would be that convicted felons may serve on juries so long as that there is no more than one convicted felon present on the jury. Both the prosecution and the defense should be made aware of the situation and be allowed to use their peremptory challenges if they so desire. Although this would mean that convicted felons would rarely serve on juries, having the experience of jury selection and contact with the legal system out of the context of their parole officers would increase their awareness of the law and hopefully make them think harder about committing subsequent crimes. If released prisoners return to prison, then their voting rights should be suspended again while they are serving their time. Once they are released their voting rights should be restored.

When bringing criminals back into society, it is important to focus on bringing them back in all aspects, not just one such as making sure that they have a job. Many pilot programs in certain states and counties have produced great results including lower recidivism rates and increased community contributions. Congress should outline a list of possible programs that states could offer to prisoners while in prison and mandate that a minimum number of the programs be available in order to decrease the amount of people in prison and strengthen the workforce. Reentry programs are in great need of funding, and such programs assist criminals at both the state level and the federal level. Providing assistance to those who need help adjusting is essential, as we simply cannot continue to alienate and punish offenders after they are released.

### Works Cited

- "Amity Foundation." *Amity Foundation - Drug & Alcohol Rehabilitation, Habilitation - Outpatient and Residential Based Teaching Communities - Member Therapeutic Communities of America Member*. Web. 2 Mar. 2014.
- Binnall, James Michael. "A Jury of None." *Springer.com*. N.p., 20 Mar. 2010. Web. 4 May 2014.
- "Federal Funding and Services for Prisoner Reentry." *Task Force for Faith-based and Community Initiatives*. U.S. Department of Justice: Office of the Deputy Attorney General, 25 Apr. 2008. Web. 2 Mar. 2014.
- "Integrating Substance Abuse Treatment and Vocational Services (Chapter 8—Working With the Ex-Offender)." *NCBI: Center for Substance Abuse Treatment*. U.S. National Library of Medicine, 18 Dec. 2001. Web. 2 Mar. 2014.
- "Reentry Partnerships: A Guide for States and Faith-based and Community Organizations." *Department of Justice*. Bureau of Justice Assistance, 2008. Web. 2 Mar. 2014.
- "Research on Reentry and Employment." *Office of Justice Programs*. NIJ, 3 Apr. 2013. Web. 2 Mar. 2014.
- Rhodan, Maya. "Obama Administration Seeks Voting Rights for Former Inmates." *Time*. N.p., 11 Feb. 2014. Web. 2 Mar. 2014.
- "Road to Reintegration: Ensuring Successful Community Reentry for People Who Are Former Offenders." *Goodwill*. Goodwill Industries, Web. 2 Mar. 2014.

Simmons, Tanner. "Second Chances: Former Prisoners Struggle to Get Back into Society." *Hard News Cafe RSS*. Utah State University, 2 May 2013. Web. 2 Mar. 2014.

Uggen, Christopher, Sara Wakefield, Jeremy Travis, and Christy Visser. "Weaving Young Ex-Offenders Back Into the Fabric of Society." *MacArthur Foundation*. University of Pennsylvania Department of Sociology, Web. 2 Mar. 2014.



## Education Subcommittee

### ***K-12 Public School Arts Programs***

Elaine Lu

#### **Background**

Art in education is an expanding field of educational research and practice based on investigations into learning through arts and experiences. In this context, the arts include performing arts, literature, visual arts, design, digital arts, film, and photography.

Art programs are vital to producing well-rounded children; the method of creation allows them to express themselves and feel appreciated. Yet despite growing evidence to the benefits of studying the arts, budget cuts to art programs are routine in public schools.

#### **Problem**

Deep cuts to K-12 education funding have been made since the start of the recession. According to an analysis by the Center on Budget and Policy Priorities, over 19 states cut funding by more than five percent between the 2010–2011 and 2011–2012 school years.<sup>1</sup> Of course, budget pressures will not abate as long as unemployment rates remain high. Although increasing taxes have mitigated the extent of these cuts, such as California’s Prop 302, which provides additional revenue to pay for educational programs funded in the state budget, is no substitute for long-term reforms in education.

School districts see the answer to their budget crisis as cuts to art programs, but do not foresee the problems that emerge when students do not have creative outlets in the classroom. Further, not only do students suffer from art education funding cuts, but teachers of the arts also lose their jobs at the expense of restructuring the budget. Sequestration has also forced many schools to deal with the cuts by decreasing staff, deferring maintenance or technology purchases, and cutting back on extracurricular purchases.

Statistical evidence<sup>3</sup> warns that removing arts programs from schools leads to an increase in dropout rates and decrease in test scores. Involvement in the arts is associated with improvements in mathematics, reading, cognitive ability, critical thinking, and verbal skill, but due to the pressure to raise test scores, classroom time devoted to the arts has been reduced in many states. According to a California State University study, the “highest reading scores of any students on campus were from music majors and music education majors.” Furthermore, as many wealthy communities find ways to fund arts programs while their less affluent counterparts cannot, cuts to arts programs create a deepening disparity between communities and their citizens. Budget shortcomings are costing American children their arts education. It is important that schools perform well on tests, but it is equally important that children are provided with a well-rounded, diverse education.

#### **Solution**

---

<sup>1</sup> *Nicholas Johnson, Phil Oliff, Erica Williams* An Update on State Budget Cuts: At Least 46 States Have Imposed Cuts That Hurt Vulnerable Residents and the Economy (2011)

<sup>2</sup> *CBP Budget Brief: Proposition 30* (2012)

<sup>3</sup> *Claire Suggs* Overview: 2015 Fiscal Year Budget for K-12 Education (2014)

Funding for the National Endowment of the Arts (NEA) and other Arts Education should continue to be supported. Communities and state arts agencies, such as the California Alliance for Arts Education (ACR12) and Creativity Index (SB 432), should be supported as well.

Recognizing that several states have enacted tax increases for revenue increases and have used federal assistance, such as the American Recovery and Reinvestment Act, to avert spending cuts, federal funding for NEA would further support and promote artistic excellence, as done by the Congressional Arts Caucus.

It takes both public and private funds to support the arts. In the marketplace or among individual philanthropists, many motivations drive funding decisions, but government investment serves public interest and ensures that all areas of a state receive the benefits of the arts.

### **Works Cited**

- "The Big Read." *The Big Read*. N.p., n.d. Web. 09 Mar. 2014.
- "California Budget Project." *California Budget Project*. N.p., n.d. Web. 09 Mar. 2014.
- "California General Election." *Proposition 30 Analysis*. N.p., n.d. Web. 09 Mar. 2014.
- "Center on Budget and Policy Priorities." *An Update on State Budget Cuts* —. Matrix Group International, n.d. Web. 07 Mar. 2014.
- "Cuts in California." - *Interactive Feature*. N.p., 06 Mar. 2014. Web. 08 Mar. 2014.
- "Publications & Products." *Publications & Products*. N.p., n.d. Web. 09 Mar. 2014.

## ***Access to Early Child Care and Education***

Emily Chao

### **Background**

In the United States, there is no universal system for early education. However, access to early education is of the utmost importance to a child's development. Studies have shown that children who have participated in early education programs are more likely to reach grade level standards for reading and mathematics, graduate from high school, be employed, and form stable relationships. The benefits of early education are long-lasting.

Yet, many children are denied this opportunity simply because of their family's economic circumstances. Overall, children are less likely to have access to early education and its benefits if they live in poverty, grow up in homes where the first language is not English, or have parents who have not received higher education. Currently, the federal government is addressing this discrepancy between the percent of low-income children and middle to high-income children attending early education programs by means of initiatives such as the Child Care and Development Block Grant and Head Start, both of which allow low-income families easier access to early education. Despite these efforts, many children in poverty are still at a disadvantage because of these programs' inability to serve all and their relative quality compared to that of programs that wealthier families can afford.

### **Problem**

In the United States, many low-income children start life at a disadvantage because of an unfair lack of access to early education programs. According to the National Women's Law Center, Head Start only serves about 42% of eligible children. Even more alarming, eleven states have waiting lists of more than 5,000 children long, with Florida leading at more than 60,000. In fact, studies by the National Center for Children in Poverty at Columbia University reveal that despite inflation and increasing need, federal and state funding for early education did not substantially increase between 2007 and 2011, meaning that fewer families had access to early education subsidies than before. However, President Obama's recent commitment to early education has expanded the program to serve about 60,000 more children. Despite this increase in enrollment in Head Start, many children who do have the opportunity to participate in such programs still remain at a disadvantage. These so-called "typical" programs, Head Start included, are often less conclusive concerning long-term benefits than better funded and higher quality initiatives. For example, there have been several case studies on quality early education programs and their effects on children. In the Early Training Program, participants were shown, years later, to have had a 68% graduation rate compared to a 52% rate in a control group. Likewise, children who participated in the Perry Preschool Project scored better on tests and had higher graduation rates and earnings. They also committed lower rates of crime and used less welfare long-term, which clearly shows that early education benefits not only the child, but all of society.<sup>6</sup> These high quality early education programs, with their low teacher to child ratios and well trained staff, had undeniable short and long term benefits not as clearly shown by "typical"

measures like Head Start. These examples further emphasize the need for not just any early education, but high quality programs. While Head Start and other such “typical” measures are still valuable, the importance of high-quality programs cannot be denied.

## **Solution**

In order to address the issue of equal opportunity to early child education and care, Congresswoman Anna Eshoo should support President Obama’s early education plan, which will help states in expanding preschool access and allowing more low-income children access to quality preschools. By letting more children reap the benefits of early education programs, the United States will reduce the achievement gap between low and higher-income students.

Although high quality early education programs will be costly, the government should still focus on funding more widespread measures. Given the externalities and benefits for families and society, program benefits will, according to certain studies, eventually outweigh costs after sixteen years.

Because of the current economy, it cannot be ignored that the government simply does not have an endless amount of money to better fund its programs. However, a small financial sacrifice today will pay off in the long run. By better educating today’s youth, we will ready tomorrow’s generation of scientists and entrepreneurs and philanthropists to improve society.

By supporting proposals which allocate more funds to increasing the quality and size of early education programs, Congresswoman Eshoo will be alleviating the early disadvantages that many children in poverty face. Access to a quality education should be a universal human right, no matter a family’s economic standing. Every child deserves the same opportunity to succeed, regardless of the circumstances he or she is born into.

## **Works Cited**

Bidwell, Allie. "Obama Reaffirms Old Education Promises in State of the Union Address." US News. U.S.News & World Report, 29 Jan. 2014. Web. 01 Mar. 2014.

"Fact Sheet President Obama's Plan for Early Education for All Americans." The White House.

The White House, 13 Feb. 2013. Web. 28 Feb. 2014. Gish, Melinda, and Gail McCallion. United States.

Early Childhood Education and Care in the 10th Congress: Background and Funding. 110th Cong. Cong. Rept. N.p.: n.p., n.d. CRS. Web. 1 Mar. 2014.

Lynch, Karen E., and Gail McCallion. United States. Early Childhood Care and Education Programs: Background and Funding. 113th Cong. Cong. Rept. N.p.: n.p., n.d. CRS. Web. 1 Mar. 2014.

McCallion, Gail. United States. Early Childhood Education: Preschool Participation, Program Efficacy, and Federal Policy Issues. Cong. Rept. N.p.: n.p., n.d. CRS. Web. 1 Mar. 2014.

Schmit, Stephanie, Hannah Matthews, Sheila Smith, and Taylor Robbins. Investing in Young Children: A Fact Sheet on Early Care and Education Participation, Access, and Quality.

National Center for Children in Poverty. Columbia University, Nov. 2013. Web. 1 Mar. 2014.

## ***Documenting the Cost of Living***

Madhumita Gupta

### **Background**

College loans were designed to help bright and talented young people who wanted to learn, but did not have the financial ability to pay for college. Unfortunately, in today's society, college loans and scholarships have become so hard to come by that they might as well be nonexistent. When somebody applies for a loan, he or she is judged as either poor or rich based on a national line, though this categorization can be very different across the nation. For example, houses cost five times as much in California as they do in Tennessee, which results in California residents being considered too rich to be given a loan. However, they still have to pay so much just to cover basic living costs that their savings are not enough to cover the rising cost of college. Instead of being classified as poor or rich by a line that assumes houses cost the same all over America, a person should be judged as poor or rich by the area they live in, and the difference between the average cost of living in that region and how much they have been earning.

### **Problem**

Many colleges give loans. However, when a student applies for a loan, the college can decide whether they are "poor enough". Many are just above the national line and are not given the loan that their middle class families desperately need. The problem with this scenario is that there is a national line defining what is poor and what is not, even though costs of living are different all over the country. For \$300,000, one could buy a 2,572 square foot, 3 bedroom, 3 bathroom home in Knoxville, Tennessee, whereas in San Francisco, it would take \$1,599,000 to buy the same house. In San Francisco, one could buy a 264-square foot studio apartment for \$300,000. Someone could have a certain amount of money, and be rich on one side of America and poor on the other. On top of the different costs of living, colleges have not kept their prices low to accommodate their students. Tuition has risen almost 1,200% in the last thirty-five years, and the price for many four-year private colleges now exceeds \$250,000. Even at state universities, the average four-year cost for residents is more than \$80,000 for tuition, room and board, and expenses. Consider a family of four, earning \$100,000 in income and having \$50,000 in savings. The "Expected Family Contribution", or E.F.C., an algorithm designed by Congress to compute how much a family should be contributing to college costs, says that this family will contribute \$17,375 each year to a child's college expenses. A \$100,000 income translates into take-home pay of about \$6,311 monthly. An E.F.C. of \$17,375 means the family must contribute about \$1,500 a month — every month for four years. But, cutting family expenses by 25% every month is unrealistic. Alternatively, the family could use its savings, but that would deplete their \$50,000 before the start of the child's senior year, leaving nothing for the proverbial rainy day,

### **Solution**

We encourage the United States government to recognize the problem associated with the cost of living and change the nationwide bar. The bar should be changed to fit the costs of living in different locations and take into account the average cost of living in the area. The difference between the average cost of living and the bar for college loans can be nationally set, but the bar itself must change. A family that cannot afford to send its child to college should be able to receive a loan regardless of which state the family lives in.

### Works Cited

Cohen, Steve. "A Quick Way to Cut College Costs." *The New York Times*. The New York Times, 20 Mar. 2014. Web. 03 May 2014.

"The College Debt Crisis - Special Report." *CNBC.com*. Web. 28 May 2014. <<http://www.cnbc.com/id/40682477>>.

Norris, Floyd. "The Hefty Yoke of Student Loan Debt." *The New York Times*. The New York Times, 19 Feb. 2014. Web. 27 May 2014.  
<[http://www.nytimes.com/2014/02/20/business/economy/the-hefty-yoke-of-student-loan-debt.html?\\_r=0](http://www.nytimes.com/2014/02/20/business/economy/the-hefty-yoke-of-student-loan-debt.html?_r=0)>.

## *Academic Stress*

Tiancheng Jiang

### **Background**

Academic stress is the anxiety that comes from schooling and education. Within the last few decades, academic stress has become not only a college problem but also a major problem for students in high school. Some students worry about being able to get enough credits to graduate, while others worry about being able to get a 4.0 GPA. There is a wide range of academic pressure that students face in high school, including a need for perfection and worry about grades, parental expectations, competition among students, extracurricular activities, and tough homework loads.

Student counseling in the United States started in 1890. Students originally sought help with class and vocational guidance. However, many schools have forgotten the importance of stress-relief counseling that could help students deal with difficulties in their lives such as family and social problems. Nowadays, schools tend to have fewer and fewer counselors because of budget cuts, yet the population of students continues to grow each year. Counselors nowadays not only need to pay attention to all of their students' academics, but also take on tasks such as lunch duty, test monitoring, and substitute teaching. On the other hand, one of the most important jobs for counselors is to keep track of students' mental health, making sure that academic stress does not negatively affect a student's mental health.

### **Problem**

During the last few decades, with the increasingly competitive society that requires at least a college diploma, high school students have been pushing themselves to take more challenging courses, while sacrificing their own social life. Also, because of additional pressures such as parental expectations and the need for perfection, the four years of high school, especially junior and senior year, have generated great amounts of pressure and responsibility that could be difficult for high school students to deal with without help from an adult.

As the result of academic stress, high school students all over the country are experiencing some degree of mental health problems. According to Mental Health America's estimates, 20% of teens are clinically depressed. However, parents and teachers often dismiss the symptoms of depression as mere adolescent adjustments, and a number of these teens go through high school without the treatment needed to live a happy life.

Academic stress has also caused poor academic performance in school. Reports have shown that academic performance is negatively related to stress level. Surprisingly, many college students reported that one of the biggest stressors they experienced were "university administrative processes" during the senior year of high school.

Academic stress has many other negative affects on high school students as well. However, many high schools have been overlooking these effects and not taking direct actions to find solutions to the problem. All of these issues could be alleviated if schools hired enough counselors, since student counselors are supposed to provide emotional support.



Many surveys have shown that students give their counselors rather low reviews, and would not talk to their counselor for emotional issues. However, the counselors are not at fault here. Schools have given their counselors more tasks than they can handle. A counselor's main duty is to pay attention to individual students both academically and emotionally, yet because of the piles of jobs assigned to them, they can barely recognize their students' names and faces. The shortage of counselors at public schools is a major reason why many academically stressed students are not correctly taken care of. The national average of students to counselor ratio is around 460 to 1, with some schools upward of one thousand, which definitely exceeds The American School Counselor Association recommendation of 250 to 1.

### **Solution**

Student rights includes the right to safety. Students should be protected in school both physically and mentally. In order to reduce the effect of academic stress on high school students across the country, legislation should be made to allocate more funding toward school counseling. Monthly or weekly mandatory stress-relief classes should be implemented in all high schools, so that students can understand the proper ways to solve academic stress in and out of school. The reason why counselors are not effective among students is the lack of interaction between them. Schools should promote more activities to foster relationships between counselors and their students. With a larger counseling body, counselors could pay more attention to each student and directly reduce the danger academic stress poses to their students.

### **Works Cited**

Guidance and School Counseling – A history of school guidance and counseling in the USA  
[http:// www.schoolcounselor.org/school-counselors-members](http://www.schoolcounselor.org/school-counselors-members)

(accessed March 2, 2014)

Academic stress and mental health – Information about mental health issues in high school  
<http://eric.ed.gov/?q=academic+stress&id=EJ791162>

Current Issues and Trends in Guidance and Counseling – Legislation and trends on school guidance  
<http://eric.ed.gov/?q=school+counseling&id=EJ987531>

Depression in high school – facts about depression in high school  
<http://www.nimh.nih.gov/health/publications/depression-and-high-school-students/depression-high-school-students.pdf>

Mental Alliance on mental health- mental health issues for teens in US  
[http://www.nami.org/Template.cfm?Section=federal\\_and\\_state\\_policy\\_legislation&template=/ContentManagement/ContentDisplay.cfm&ContentID=43804](http://www.nami.org/Template.cfm?Section=federal_and_state_policy_legislation&template=/ContentManagement/ContentDisplay.cfm&ContentID=43804)

Budget cuts on school counseling <http://www.foxnews.com/us/2011/06/24/as-schools-cut-budgets-strains-on-counselors-grow/>

## **Healthcare Subcommittee**

### ***The Deficiencies in the Veterans Health Care System***

Annie Kong

#### **Background**

In 1812, the Naval Home in Philadelphia was the first to offer medical care to veterans. The National Home for Disabled Volunteer Soldiers in 1865 was created in 1865 in response to the number of casualties from the Civil War. The present-day Department of Veterans Affairs (VA) was created by President Hoover in 1930, and is split into three administrations (The Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration), as well as the Board of Veterans Appeals. At the end of 2006, there were 24 million veterans in the United States, with 17.8 million being war veterans, and 22 million veterans in 2013.

#### **Problem**

In recent decades, insufficient veterans care has become a greater problem than before. Many military veterans are suffering due to long waits and delayed health care at veterans hospitals throughout the United States. For instance, at the Williams Jennings Bryan Dorn Veterans Medical Center in Columbia, South Carolina, veterans have to wait several months for simple gastrointestinal procedures, often times dying because their cancers are not caught early enough. The U.S. Department of Veterans Affairs (VA) and medical investigators have confirmed that several deaths at Dorn were caused by delays in treatment. Although one million dollars were given to the Dorn facility, only  $\frac{1}{3}$  of it was used to pay for care for those on waiting lists. These problems are not specific to Dorn, however, as many veterans' hospitals have problems with delays. However, little is currently being done to effectively resolve these issues. Inadequate scheduling and lengthy wait times have been reported as problems of the VA for decades, but these delays still persist at facilities.

#### **Solution**

There are many ways to combat this growing problem. One possible solution to this problem is to create a more organized system for the VA. Scheduling and financial issues are causing veterans, who gave their lives for the United States, to die not from battle, but from a lack of treatment. New, more efficient organizational systems could be implemented to keep track of veterans who sign up for check-ups and treatments so that no veteran goes untreated. The board believes that the government should set aside a certain amount of money to the VA each year for funding. The VA's facilities should use up all the money to treat veterans and pay for veterans care for those who are waiting to be treated. Today and everyday is another twenty-four hours that we could be making a huge step in improving the veterans care system, and the people affected by it.

#### **Works Cited**

"Veterans Day: By the Numbers." *NBC Bay Area*. N.p., n.d. Web. 1 May 2014.

Bronstein, Scott, and Curt Devine. "Hospital Delays Are Killing America's War Veterans." *CNN*. Cable News Network, 20 Nov. 2013. Web. 07 May 2014

## **Fixing High Costs**

Jacob Newman

### **Background**

The United States of America has long lagged behind other developed countries in the quality of its healthcare system. Ireland, the UK, Portugal, and Norway all get significantly higher marks for the quality of their healthcare systems (Musgrove), while our spending on healthcare in the U.S. continues to increase at a very high rate. When Lyndon B. Johnson signed Medicare into law, it was projected it would cost "\$12 billion in 1990 (Zuckerman)." The actual cost was "\$110 billion." The Affordable Care Act (ACA) was passed, with reservation, along partisan lines, by Congress, yet there remain a number of significant issues that are not addressed by the legislation. Some of this is related to the for-profit participants in health insurance and health care delivery. While accessibility to health care has been significantly improved, the costs associated with health care in the United States continue to remain high and continue to increase.

### **Problem**

Increased medical insurance coverage is likely to lead to increased consumption of medical services and an increase in the total costs of health care services in the U.S. economy. While ACA now requires that people secure insurance coverage, even with subsidies, the costs are often high and some citizens are electing to pay penalties rather than bear the costs of insurance. One major challenge in the cost of healthcare is that the payment for healthcare services is often based on quantity of services delivered rather than the quality of those services. Compensation to health care providers is often based on a fixed fee for each specific service. Catalysts for Payment Reform's executive director, Suzanne Delbanco has said that "nine of every 10 dollars is paid into the health care system with no attention as to whether the care provided was performed well or poorly, or whether it was appropriate in the first place (Mitchell)." With trillions of dollars going into the healthcare field, efforts should be made to curb this trend. The current fee-for-service payment system does not take into account results. A second issue affecting healthcare costs is the consolidation of healthcare providers as a result of mergers. In fact, there were 105 in 2012, as opposed to the 50-60 mergers per year, before the ACA (Leemore). Hospital consolidation has been occurring in the United States as hospitals merge to save expenses and manage risk. Federal antitrust regulators haven't traditionally closely examined mergers in the healthcare industry but perhaps that needs to change. Patients need options when choosing medical treatment and facilities. The current trend towards hospital consolidation limits those options. Fewer hospitals and resulting limited supply for the consumer increases costs. A third issue is the increasingly frequent choice of physicians choosing to pursue medical specialties instead of general medical care (Eckholm). Specialty practice is generally more financially remunerative to doctors. The U.S. population keeps growing and the need for doctors will continue to grow along with the population. We especially need general medical practitioners. Perhaps Congress should allocate funds to finance more general practice residencies which would encourage more doctors to go into general medicine.

## Solution

Ultimately there are 100's of way's to pursue reducing healthcare costs, many of which can be pursued simultaneously. One is to have states allow nurse practitioners or nurses to prescribe drugs, and diagnose and treat illnesses (Bauer). This path has been successful in states that allow it and have led to decreased costs. Another possible solution would be "to remove the incentive for redundant and inappropriate care, now estimated to account for as much as a quarter of the nation's \$2.8 trillion in annual health spending, according to the Institute of Medicine (Mitchell)." The Board recommends that the Congresswoman support legislation that promotes the change from a quantity based healthcare system to a value based system. One possible approach would be by incorporating some of the provisions of the SGR Replacement Bill that would change the compensation system for Medicare into future healthcare legislation (Zigmond). Finally, the Board recommends the recruitment of more general practitioners. The creation of a system that promotes general practice would help reduce costs for all patients. A combination of changing the compensation system, more closely examining the impact of consolidation, and increasing the supply of general practitioners would all help reduce the increasing rate of healthcare costs.

## Works Cited

- Bauer, Jeffrey C. *Nurse Practitioners as an Underutilized Resource for Health Reform: Evidence-based Demonstrations of Cost-effectiveness*. Rep. Vol. 22. N.p.: n.p., n.d. Ser. 4.  
Wiley Online Library. Journal of the American Academy of Nurse Practitioners, 1 Apr. 2010. Web. 1 Feb. 2014.
- Eckholm, Erik. "The Nation; As Doctors Become More Specialized, and Numerous, Turf Wars Erupt Over Body Parts." *The New York Times*. The New York Times, 06 July 1991. Web. 15 Feb. 2014. <<http://www.nytimes.com/1991/07/07/weekinreview/nation-doctors-become-more-specialized-numerous-turf-wars-erupt-over-body-parts.html>>.
- Leemore, Dafny. "Hospital Industry Consolidation - Still More to Come? - NEJM." *Hospital Industry Consolidation - Still More to Come? - NEJM*. New England Journal of Medicine, 16 Jan. 2014. Web. 20 Feb. 2014
- Mitchell, Russ. "Slow Progress On Efforts To Pay Docs, Hospitals For 'Value,' Not Volume." - *Kaiser Health News*. Kaiser Health News, 26 Mar. 2013. Web. 15 Feb. 2014.
- Musgrove, Phillip, Andrew Creese, Alex Preker, and Christian Baeza. *The World Health Report 2000*. Rep. Geneva: World Health Organization, 2000. Print.
- Zuckerman, Mortimer B. "The High Cost of Staying Well." *US News*. U.S.News & World Report, 22 Oct. 2013. Web. 10 Jan. 2014.
- Zigmond, Jessic. "Bipartisan Plan Calls for SGR Repeal, Replaced by Payment Updates, Value-based Care." *Modern Healthcare*. Modern Healthcare, 6 Feb. 2014. Web. 3 Mar. 2014. <<http://www.modernhealthcare.com/article/20140206/NEWS/302069944>>.

## ***Health Care of Noncitizens and Immigrants***

Lauren Kim

### **Background**

The Affordable Care Act has created affordable health coverage that benefits anyone in the U.S except for undocumented immigrants. There are about 6 million out of 12 million undocumented immigrants that currently reside in the U.S without access to the health coverage. Under federal law, undocumented immigrants are not allowed to have access to any medical assistance. This not only is a danger to them, but a danger to the public health.

### **Problem**

Undocumented immigrants do not have access to federal health care programs such as Medicare and Medicaid. They have very little access to publicly funded health programs, and are also reluctant to use them out of fear and confusion over the eligibility rule. Health care available to undocumented immigrants is limited in most states. However, even legal immigrants occupy much less emergency rooms than the native-born people. Undocumented Immigrants are mostly represented in the low wage work force. Lack of low wage jobs is a huge problem to the low wage work force especially when they have to pay a huge factor to gain individual coverage. Even after the effects of race, ethnicity, insurance status, and health care, many immigrants use much less of the emergency, dental, medical services than the average U.S citizen. They do not use these services for reasons such as the lack of culturally competent services. Many immigrants only visit the hospital when there is an emergency preventing them to going to work.

Restricting health care to immigrants will not lower the rate of immigration in America, in fact it will just put the public health at major risk. Many immigrants come to America for a job not for health care. This has been proven when the federal law for restricting eligibility for public benefits passed in 1996, the immigrants did not move to the states that provided the protection of health care for the immigrants, in fact many moved to the states that did not offer healthcare. However, the restrictions of health care endanger individual and public health, which causes the health care insurance to increase and can affect many U.S citizens as well.

### **Solution**

The Board will like to reform that there should be more access to the health coverage to all families who live in this community. This will be the only way that can help the individual and public health. Currently, no matter what the price is for health insurance, undocumented immigrants are not allowed to purchase health care. Therefore, there should be a single-payer health care system. Under a single-payer system, all residents of the U.S. should include undocumented immigrants that would be covered for all medically necessary needs. This includes doctors, hospital, preventive, long-term care, mental health, reproductive health care, dental, vision, prescription drug and medical supply costs. Not only will this prevent a public health issue, but also save many undocumented immigrant's lives.

### **Works Cited**

Planas, Roque. "Undocumented Immigrants Face Limited Health Care Options." *The Huffington Post*. TheHuffingtonPost.com, 28 Jan. 2014. Web. 29 May 2014.

"What Is Single Payer?" *Physicians for a National Health Program*. N.p., n.d. Web. 28 May 2014.

## ***Mental Health***

By Mason Seymour

### **Problem**

According to the National Institute of Mental Health (NIMH), it is estimated that at least 60 percent of Americans—or 200 million people—suffer from some form of mental illness. However, NIMH also reports that only 27 million people are formally diagnosed with a mental illness. The Wall Street Journal reports that an estimated 7.7 million Americans qualify for diagnoses of schizophrenia, schizoaffective disorder, and bipolar disorder, but 3.5 million of them are undiagnosed. We must fix our mental health system immediately because people who have undiagnosed severe mental illnesses often go on to commit violent crimes like mass shootings. Both the Heritage Foundation, a conservative think tank, and Mother Jones, a liberal news organization, agree that mass shooters such as James Holmes, Adam Lanza, and Jared Lee Loughner displayed signs of severe mental illness. Holmes was seeing a psychiatrist at the University of Colorado, Adam Lanza suffered from an untreated personality disorder, and Loughner suffered from untreated schizophrenia for at least five years. Also, as economist Dr. John R. Lott, Jr., points out, 37 states have increased spending on mental health and mental illness detection since the Newtown shooting, but “it would be helpful if someone actually looked to see whether mass public shooters were actually receiving mental illness treatment or not.” According to a report from the Congressional Research Service, the Gun Control Act of 1968 prohibits individuals “adjudicated as a mental defective” from owning a firearm. In the U.S. Code, being “adjudicated as a mental defective” is defined as

(a) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease

(1) is a danger to himself or to others; or

(2) lacks the capacity to manage his own affairs.

While the law recognizes courts and boards as authorized decision makers, it does not include physicians in the same list. This is odd, because physicians are usually the people who prescribe important medication for the person in question. Another problem is the accuracy of the diagnosis. Only 20 percent of patients with bipolar disorder are correctly diagnosed. In a third of bipolar patients, it takes an average of 10 years to get the correct diagnosis. It is suspected that these patients usually see nonpsychiatric physicians, nurse practitioners, physician assistants, or other extended care providers. The problem lies in the fact that these people handle more than 90 percent of psychiatric care, yet they only receive six to 12 weeks of training in psychiatry in their entire training career.

### **Solution**

The Board recommends that Congresswoman Eshoo sponsor the National Instant Check System Reporting Improvement Act of 2013. This bill is bipartisan, with support by seven Republicans and two Democrats in the Senate. What this bill would do is prohibit the selling of firearms or ammunition to any person with a reasonable belief that said person is either mentally incompetent or have been committed to a psychiatric hospital. Furthermore, the Board

also recommends that psychiatrists be placed back at the center of the mental health care system. Being that they undergo rigorous training to be able to properly diagnose mental disorders, properly consider the impact of underlying medical problems on said disorders, and properly balance potential impact of treatments, the Board recommends that Congresswoman Eshoo sponsor a bill making psychiatrists a key component of a person's primary care. Another recommendation is that Congresswoman Eshoo should try to clarify and amend the HIPAA confidentiality laws. Currently, law enforcement officials are being asked to assess mentally ill individuals in jails and prisons, yet they are being denied access to said person's clinical records, which contain important information regarding suicide potential, danger (to self and to others), and medications the person is taking. We suggest the laws be amended to allow law enforcement easier access to the aforementioned information.

### **Works Cited**

- Ablow, Dr. Keith. "How to Rebuild the Mental Health System in America." *Fox News*. Fox News Network, LLC, 20 Dec. 2012. Web. 28 May 2014.
- Anonymous, ed. "S. 480: NICS Reporting Improvement Act of 2013." *GovTrack.us*. Civic Impulse, 6 Mar. 2013. Web. 28 May 2014.
- Butler, Stuart M., Ph.D. "How to Bring Sanity to Our Mental Health System." *The Heritage Foundation*. Heritage Foundation, 18 July 2012. Web. 28 May 2014.
- Follman, Mark, Gavin Aronsen, and Deanna Pam. "A Guide to Mass Shootings in America." *Mother Jones*. Mother Jones and the Foundation for National Progress, 20 July 2012. Web. 28 May 2014.
- Goode, Erica, et al. "Before Gunfire, Hints of 'Bad News.'" *New York Times* 26 Aug. 2012: n. pag. *New York Times*. Web. 28 May 2014.
- Lott, John R. "Changes in State Mental Health Care since Newton." *John Lott's Website*. N.p., 3 Dec. 2013. Web. 28 May 2014.
- Malcolm, John, and Jennifer A. Marshall. "The Newtown Tragedy: Complex Causes Require Thoughtful Analysis and Responses." *The Heritage Foundation*. Heritage Foundation, 17 Jan. 2013. Web. 28 May 2014.
- Masand, Dr. Prakash. "The Broken Mental Health System." *TheTandD.com*. The Times and Democrat, 20 Feb. 2014. Web. 28 May 2014.
- Torrey, E. Fuller, and Doris A. Fuller. "The Potential Killers We Let Loose." *Treatment Advocacy Center*. Treatment Advocacy Center, 18 Dec. 2012. Web. 28 May 2014.

## **Immigration Subcommittee**

### ***Immigration and Labor***

Chela Davila

#### **Background**

Of all of the issues the United States struggles with today, immigration is one of the more prevalent and controversial topics that California, in particular, faces in everyday life. To say that immigration is not a necessary subject to debate today is completely inaccurate, since in the year 2013 alone 27% of the population of California was composed of immigrants, with 9,600,000 originating from Mexico (US Census Bureau). Of the greater issues pertaining to immigration and its effects on the state of California, labor rights generally brings about a majority of the controversy. In most cases, labor rights and the rights of immigrant workers, relations between employers and employees, fair salaries, safe working conditions, and the workers' rights to organize and participate in collective bargaining tend to be the greatest issues and the ones that are more frequently observed in the workplace. Unfortunately, labor rights and, in most cases, the lack of labor rights are frequent issues that instigate protests, boycotts, and, occasionally, lawsuits in the Federal and Supreme Courts. Finding a way to benefit immigrant workers while also maintaining a competitive reputation amongst the rest of the country and the world is an extremely important issue that must be solved efficiently, since the immigrant population is drastically increasing each year. The primary way an immigrant can begin working is by obtaining a DOL labor certification. This document has jurisdiction over visas and simply states that the Department of Labor acknowledges that an immigrant will be working in the United States and is entitled to safe conditions, wage, and hour regulations (CRS, Lee and Shimabukuro). In a 2010 report to Congress, Ruth Wasem noted that LPRs (Lawful Permanent Residences) were granted to over 140,000 immigrants (CRS, Wasem). These LPRs and many of the DOLs, however, are given to immigrants by preference, starting with successful teachers, businessmen, and athletes, leading to "skilled workers and unskilled workers in which US workers are in short supply" (CRS, Lee and Shimabukuro). This preference for workers, even unskilled workers, spiked during 2007 at the start of the recession due to labor shortages in the US, especially in the "undesired" fields of "cheap" labor (CRS, Lee and Shimabukuro). As it stands now, the Obama administration has seen a \$10.8 million increase from their 2008 immigration proposition due to a greater need for government spending in the labor category because of the increase of immigrant labor within the past 8-10 years (CRS, Lee, Shimabukuro). The 2008 immigration proposition was a part of the administration's initial goals and plans for their first term. Additionally, obtaining a DOL or LPR is an extremely tedious process, taking anywhere from three to eight years to actually receive a legal document that allows an immigrant access into the United States and legal permission to begin working (CRS, Lee and Shimabukuro).

#### **Problem**



With this background information and statistics in mind, let us focus on the larger problem. “Many argue that the labor market tests in the Immigration and Nationality Act in their current forms are insufficiently flexible, entail burdensome regulations, and may pose potential litigation expenses for employers. Employers often describe frustration with the process, labeling it as unresponsive to their need to hire people expeditiously. Representatives of U.S. workers question whether it provides adequate safeguards and assert that employers find ways to ‘end run’ the lengthy process” (CRS, Lee, Shimabukuro). Because it takes such a long time to get immigrant workers across the border, many employers and businesses attempt to find shortcuts in the system in order to subtly and efficiently hire more workers. This often results in fraud and leads to the closing of many businesses. Since the current system is inefficient in processing visas for immigrant workers, businesses and companies around the US suffer because they need highly skilled workers from around the world to help the companies develop and grow, particularly in technology development, especially in Silicon Valley. Elise Foley of the Huffington Post wrote in a recent article that “workers with advanced degrees from India or China were likely to wait about eight years to be granted a visa” (Huffington Post, Foley). Foley goes on to talk about the tech company, Microsoft, which hires many workers from around the world. Karen Jones, Vice President of Microsoft, said, “If we could find the workers here, we absolutely would prefer it. Unfortunately, we just aren’t yet there in the US. We hope our efforts to skill up the workforce will be successful, but in the meantime we have to be able...to bring the talent in that we need from other places in the world” (Huffington Post, Foley). This example shows the direct effects of a faulty visa policy that is detrimentally affecting Microsoft and other tech companies around California and Silicon Valley. The inability to efficiently fill this need for highly trained workers creates a drag on innovation and prevents US companies from being as competitive in the world markets as they could be. In addition to employers failing to follow legal procedures in obtaining immigrant labor, many business owners and employers disregard federal immigrant labor laws and pay insufficient wages and make their workers perform gruesome hours of labor. It can even result in lawsuits. In the Supreme Court case *Sure-Tan vs. National Labor Relations Act (NLRA)*, “undocumented workers were fired after voting in a union opposed by their employers” (CRS, Wasem). The court found that “if undocumented workers couldn’t organize and act in unions, they, therefore, could not form their own groups and participate in collective bargaining” (CRS, Wasem). Labor rights must be followed in order to maintain a fair and equal atmosphere in the workforce and to provide immigrant workers with the services they are entitled to under labor laws from the ICE (CRS, Wasem).

## **Solution**

Immigration labor rights are directly related to human rights in California since both pertain to the safety and happiness of people, regardless of where they come from or their skill level. If wage and hour requirements are not met and followed thoroughly, immigrant workers become the victims of economic and social injustice, degrading them of their basic human rights. Therefore, we must be sure that minimum wage laws are strictly followed to benefit workers. Additionally, the lack of an efficient method to obtain visas prevents many businesses from becoming the competitive international companies that the American economy depends on. It is imperative that the issue of labor rights be solved immediately so as to refrain from further

separation between employers and employees. If California, the state with an illegal immigrant population of nearly 11 million, does not act on the issue of immigrant labor, it will detrimentally affect a majority of the population of the entire country (US Census Bureau).

### **Works Cited**

US Census Bureau. "California QuickFacts from the US Census Bureau." California QuickFacts from the US Census Bureau. US Department of Commerce, 27 Mar. 2014. Web. 26 May 2014.

USA. Congressional Research Service. Foreign Worker's Labor. The Framework for Foreign Worker's Labor Protections Under Federal Law. By Margaret M. Lee and Jon O. Shimabukuro. N.p.: n.p., 2013. Print.

USA. Congressional Research Service. Immigration Policy. Immigration of Foreign Works: Labor Market Tests and Protections. By Ruth E. Wasem. N.p.: n.p., 2010. Print.

## ***Border Security***

Rachel Lai

### **Background**

Border security has become a difficult and controversial issue in recent years. Because birthright citizenship has been written into the supreme law of our land, we need to take more extensive measures to ensure border security and protect the rightful residents of our nation. According to the U.S. Customs and Border Protection, in the 2013 fiscal year, there were 420,789 total nationwide apprehensions by Border Patrol agents. Ninety-eight percent of these apprehensions were in the southwestern border with Mexico. Currently, there are over 18,000 Border Patrol staff employed by the U.S. Customs and Border Protection. However, despite this huge amount of manpower, illegal immigrants continue to cross the border to California, Arizona, and Texas.

### **Problem**

The United States' southwestern border with Mexico is porous. Despite the copious and expensive amount of manpower deployed, large numbers of illegal immigrants from Mexico continue to come into the United States, creating significant challenges and controversies in border states. Although many illegal immigrants come into the U.S. by vehicles on the main highways, many more of them come in from the uninhabited areas where manual patrol by Border Patrol agents cannot effectively stop the influx of immigrants.

### **Solution**

United States Customs and Border Protection should consider using unmanned aircraft, such as drones, to patrol the border, especially in the known uninhabited areas where crossing the border can be facilitated. Drone technology has improved tremendously in the past few years. Drones have proven to be an important resource in the military. Thanks to recent technological advances, drones can remain in the air for more than 20 hours without refueling. Consequently, they do not need to land before the next shift of pilots can start working. They can patrol hundreds of miles in one flight and are much cheaper than manned helicopters to operate and maintain. With cameras and remote sensing technologies, they can detect suspicious people crossing borders that are supposed to be closed. Drones can transmit locations of illegal crossings to the nearest Border Patrol agents, so the agents would be able to easily and efficiently intercept the illegal immigrants. If the Border Patrol agents cannot get to the location in time, drones can continue to monitor the illegal immigrants until proper actions can be taken. Even in the case when no Border Patrol agents can reach the area, these drones can collect the information on the frequency and patterns of the illegal crossing. This information will ultimately allow the Border Patrol to analyze the patterns and potentially develop new ways to address the problem in those areas. There are a few limitations to this solution. The first

limitation is the weather conditions. Bad weather may create significant risks for these small aircrafts. Although no human lives are at risk through this system, these drones can be expensive to replace. However, the future for this possibility looks promising as aviation technology continues to improve. In the near future, this limitation may turn out to be less problematic. Another limitation may be the cost. One idea to deal with this limitation would be to have U.S. Customs and Border Protection work with the military to come up with a joint training program. There is always a need for military drone pilots. As the pilots are being trained, they can use the border area as the airspace for training. If they can train pilots to fly the drones safely and can use the opportunity to monitor illegal crossings, Border Patrol can share the cost with the military and thereby reduce the cost for the drone program. However, important human right issues may arise with this idea. Drones can fly over inhabited areas in the U.S. and potentially invade the privacy of the residents living in those areas. There should be strict protocols for the Border Patrol to follow in order to main the privacy of the citizens. Drones should be prohibited to spy on selected citizens without cause. Similarly, if the drones fly over the border and into the Mexican airspace, they will create various legal and privacy issues for Mexican citizens. In order to make the maintenance of human rights a priority, an agreement with the Mexican government needs to be reached before this program can be deployed.

### Works Cited

"Along U.S. Borders." *U.S. Customs and Border Protection*. N.p., n.d. Web. 03 Feb. 2014.  
<<http://www.cbp.gov/border-security/along-us-borders>>.

"Border Patrol Overview." *U.S. Customs and Border Protection*. N.p., n.d. Web. 01 Feb. 2014.  
<<http://www.cbp.gov/border-security/along-us-borders/overview>>.

"Homeland Security." *Citizenship and Immigration Services*. N.p., n.d. Web. 03 Mar. 2014.  
<<http://www.dhs.gov/topic/citizenship-and-immigration-services>>.

Preston, Julia. "Border Patrol Seeks to Add Digital Eyes to Its Ranks." *The New York Times*. The New York Times, 21 Mar. 2014. Web. 03 Apr. 2014. <[http://www.nytimes.com/2014/03/22/us/border-security-turn-toward-the-high-tech.html?\\_r=0](http://www.nytimes.com/2014/03/22/us/border-security-turn-toward-the-high-tech.html?_r=0)>.

"U.S.-Mexico Border." *National Geographic Education*. National Geographic, n.d. Web. 03 Feb. 2014.  
<[http://education.nationalgeographic.com/education/media/tijuana-border-fence/?ar\\_a=1](http://education.nationalgeographic.com/education/media/tijuana-border-fence/?ar_a=1)>.

## ***Civil Rights for American-Born Children of Immigrants***

Rebecca Shoch

### **Background**

Naturalization is the way in which non-citizens become lawful permanent residents according to the guidelines set forth by Congress in the Immigration and Nationality Act. It is meant to be a peaceful process that is completely voluntary. Becoming a citizen is almost always seen as a huge step for many immigrants because it represents a sense of integration into American society and allows them to gain more important advantages that all American citizens have, such as the right to vote and protection from deportation. Since 1991 the amount of immigrants who have applied to naturalize has increased drastically and the number of applicants who are denied has decreased, highlighting the general success of the program. Although the naturalization process has become much more successful for immigrants in the past two decades, the controversy over the rights granted to people born in the United States with immigrant parents has become especially heated in congress. As of now, the issue is covered in the Citizenship Clause of the Fourteenth Amendment of the U.S. Constitution. The clause states that those who are born in the United States and who are under the jurisdiction of the American government are considered American citizens. (Lee) There are two principles that are used in government to approach and understand the civil rights of those born in a sovereign country with immigrant parents. One is *jus sanguinis*, the idea that citizenship in a country is passed down from the parents. The ideal that the American government has always utilized is *jus soli*. *Jus soli* implies that one who is born in America is granted citizenship and all the benefits citizens receive regardless of his or her parents' nationality or religious views. The *jus soli* doctrine is what was used before the Declaration of Independence in the thirteen colonies. At the time, the law referred to those who were under the protection of the sovereign powers of England, except those who were born to members of an opposing force or to diplomats from other sovereignties. Though this principle has been prevalent throughout the history of the United States, the original framers did not specifically lay out the rules defining citizenship in the United States until the Naturalization Act of 1790, which led to the Civil Rights Acts of 1866 and ultimately the ratification of the Fourteenth Amendment. But, in general, birthright citizenship was the principle that drove the citizenship policies.

### **Problem**

Because Congress did not firmly define specific rules of citizenship until around the time of the Civil War, there was a considerable amount of confusion on the topic that still exists today. The discussion regarding those born in America with immigrant parents has become increasingly prominent because of border control issues on the American-Mexican border. Due to the border control controversy, Mexicans have some of the lowest percentages of

naturalization than any other nationality of immigrants. A main part of the controversy is that many politicians and civilians are confused as to why it is so much more difficult for Mexicans to become citizens in America when, in general, it is easier for immigrants from neighboring countries to naturalize. The fact that there has been so much media coverage of the difficulties Mexican immigrants face in America unfortunately means that some American citizens have actually come to resent Mexican immigrants and their children. Those who oppose the rights for immigrants and their families argue that they take jobs from hard-working American citizens and crowd public government-funded facilities such as schools. There have also been other problems based on the technicalities of citizenship laws. For example, many tourists come to America on legal visas to give birth to their children in America, granting them citizenship. Also, the fact that American citizens with alien parents have the ability to make it much easier for their family members to naturalize once they turn twenty-one has been very controversial. Because the issue of citizenship has become so controversial recently, many legislators in Congress have begun to suggest policies to revise the citizenship clause of the Fourteenth Amendment in the Constitution. Public concern regarding a lack of change in the citizenship policies was a serious driving force that has lead these legislators to do so. Therefore, many legislators have begun to support proposals to exclude birthright citizenship from those born in America with immigrant parents. The amendments suggested by legislators mainly describe that one can only be a citizen if their parents possess certain qualities, such as mother who is a citizen or parents who have permanent allegiance to the United States. Although all of the proposed amendments to the Citizenship Clause of the Fourteenth Amendment are slightly different, they all ultimately restrict the principle of *jus soli*. (Kandel)

### **Solution**

The solution to the controversy of people born in America with immigrant parents is to focus on changing the outlook of the government as a whole instead of trying to change the Citizenship Clause of the Fourteenth Amendment. I agree with the ideal of *jus soli* if the people in question display true allegiance to the United States. For example, the sector of the American government that focuses on labor rights could have some say in the dilemma of citizenship. If children of immigrants display an admirable work ethic at stable jobs, their employers could perhaps sponsor their citizenship. But, I do not disregard some of the justifications made by those who oppose *jus soli*. Although this is the case, many of those issues must be solved in another sector of government because they are ultimately not solely affiliated with immigration controversies. The House should consider branching the discussion of the rights of children of immigrants into other sections of government—education, labor or border control—to better understand how each of these groups affects immigrant children and how to improve on methods to help them succeed in many aspects of American life.

### **Works Cited**

Kandel, William A. *U.S. Naturalization Policy*. January 16, 2014.

Mikyung Lee, Maragret. *Birthright Citizenship Under the 14th Amendment of Persons Born in the United States to Alien Parents*. January 10, 2012.

## ***Immigration and Education***

Tony Sun

### **Background**

Since its inception, the current 113th Congress has been embroiled in the debate over undocumented immigration and its general status in America. Bipartisan groups are working together across the aisle, making compromises and suggesting everything from temporary work visas to immigration quota numbers. However, despite the magnanimity of the reforms being discussed, the 113th Congress has let slip a vital and much needed piece of the immigration reform puzzle: migrant immigrant education. The United States has, since its establishment as a nation in 1776, always embraced the concept of “natural rights” for all, regardless of citizenship status. Whether it be regarding refugees, undocumented immigrants or political dissidents, America has rightly defined the right to education as an inherent human right. As upheld in the landmark 1982 Supreme Court decision *Plyler v. Doe*, every individual, regardless of citizenship, deserves the right to a free public education. (*Plyler v. Doe*) However, while the initial court ruling was met with much appreciation from the immigrant community, the reality is that the case only guarantees public education from kindergarten through twelfth grade. In recent years, as job opportunities shrink and education becomes more and more important to careers, our “land of opportunity” has begun to shrink and fade away piecemeal for some of the poorest working class immigrant families. Since the prospects of higher education becomes a path infinitely more difficult to take due to financial woes, social mobility for immigrant families has decreased drastically due to a lack of help for immigrant families. As expensive college educations become more and more intrinsically necessary to succeed in our society, social mobility has drastically decreased. Immigrant children simply don’t have access to the same level of help other individuals receive from the federal and state government. While middle and low income American families can draw upon federal aid and Pell grants, many immigrant families who desperately need the funds find themselves without any solutions. To make their seemingly difficult job of securing adequate loans even more impossible, immigrant children are also classified as international students. This classification means that they must pay international tuition rates, which can be as much as three times their domestic tuition counterparts. While the United States Congress has already considered legislation that would allow for undocumented immigrant students to receive federal aid and in-state tuition, the legislation (the DREAM Act) was ultimately shot down due to budget concerns. Recently, the “Gang of Eight” in the Senate have helped introduce and pass Senate Bill 744, which includes provisions for the DREAM act, but it still remains up to the House of Representatives to pass the Senate version or to come up with something similar.

### **Problem**

The lack of federal aid for higher-education for immigrant families in the United States increases potential income disparity and decreases overall social mobility within the United States because education is the most efficient way to move up the social ladder. While many critics may argue that this problem only affects a portion of the population, the undocumented immigrant population in the United States has skyrocketed from 3.8 million in 1986 to 11.1 million in 2011. (*Unauthorized Aliens Residing in the United States Estimates Since 1986*) Continuing research and Census Bureau data clearly point to a yearly increase in the number of these immigrants. As such, it is wrong to assume that these individuals play a small part in society, when their numbers continue to increase. On the note of higher education itself, as discussed above, most immigrant children applying to college are treated as international students and must pay a higher tuition rate. Specifically, Section 505 of the Illegal Immigration

Reform and Immigrant Responsibility Act states that immigrant children “shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.” (IIRIRA Section 505). Compounded with the fact that most immigrant families are poor and cannot pay even the regular tuition rate, the higher tuition rates only keeps qualified candidates out of colleges and ultimately out of the work force. (*Unauthorized Alien Students, Higher Education, and In-State Tuition Rates: A Legal Analysis*). Moreover, increased tuition is only the tip of the iceberg of problems. The main problem revolving immigrant education is the lack of federal and state aid. While California has passed a modified version of the DREAM act that allows immigrant students who qualify to collect state scholarships, no other state has done so at similar levels. Immigrant children cannot receive federal aid, and thus many students simply cannot afford to go to college. Without proper education, immigrant children will be unable to find jobs to move up the social ladder into the American middle class. By not offering immigrant children the chance to a higher education, the US essentially shuts down its message of hope and prosperity to a large part of its population.

### **Solution**

The federal government should guarantee immigrant families who have stayed in the United States more than 5 years in-state tuition rates and access to federal aid. Specifically, the House should pass the Senate version of S. 744, or make sure that the House version of the bill includes the provisions for the DREAM act. While this may seem like too small a step to take, policy decisions must be made piece-meal; offering in-state tuitions and access to federal Pell grants serves as the first step toward helping the futures’ of undocumented immigrants. The United States federal government should also try to adopt a national policy for this to guarantee these rights in all states. By doing so, the United States increases its workforce, increases income equality, increases hope, and gives many young Americans a shot at a brighter future.

### **Works Cited**

H.R., 104th Cong., Congressional Record (1996) (enacted). Print.

H.R. Rep. No. 112-7-5700 (2012). Print.

Plyler v. Doe. Supreme Court. 15 June 1982. *Justia.com*. US Supreme Court Center, n.d. Web.

United States. Cong. Committee on Immigration Policy. *Unauthorized Alien Students, Higher Education, and In-State Tuition Rates: A Legal Analysis*. By Jody Feder. 102nd Cong., 2nd sess. Cong. Rept. Washington DC: Congressional Research Service, Library of Congress, 2013. Web.

United States. Cong. Committee on Immigration Policy. *Unauthorized Aliens Residing in the United States Estimates Since 1986*. By Ruth Ellen. Wasem. 112st Cong., 2nd sess. Cong. Rept. [Washington, DC]: Congressional Research Service, Library of Congress, 2009. Web.



# ***Protecting Against Sexual Orientation and Gender Identity Discrimination in the Workplace: The Importance of the Employment Non-Discrimination Act***

*Alex Zafran*

## ***Background***

This fall, the Senate made history by passing the Employment Non-Discrimination Act. It is now left to the House to vote on the proposed act. Should the act pass in the House, it will go on to the President, who has vocalized his support for the legislation repeatedly in the past. In a 2013 Huffington Post blog the President highlighted the necessity of the bill, writing, "it ought to be the law of the land." At present, the act faces formidable opposition in the House. One prominent member of the opposition is Speaker John Boehner, who has been vocal about his reservations and voted against an earlier version of the bill in 2007.

At present, in 29 states it is legal to fire and otherwise discriminate against an individual in the workplace on the basis of his or her sexual orientation. In 32 states it likewise remains legal to fire and otherwise discriminate against an individual in the workplace on the basis of his or her gender identity. With the passage of ENDA, individuals will be protected by law against discriminatory practices based on sexual orientation and gender identity and empowered to take legal action against such injustices.

With the exception of the 109<sup>th</sup> Congress, during every congressional session since the 103<sup>rd</sup> Congress some version of the Employment Non-Discrimination Act has been proposed. The current proposed Employment Non-Discrimination Act would prohibit discrimination based on an individual's actual or perceived sexual orientation or gender identity "by public and private employers in hiring, discharge, compensation, and other terms and conditions of employment." Whereas earlier versions of the legislation merely proposed adding sexual orientation to categories of discrimination already prohibited by Title VII of the Civil Rights Act, the current bill proposes "a stand-alone legislative safeguard against [both] sexual orientation and gender identity discrimination in employment" specifically. This safeguard against both types of discrimination in employment is significant, because there is and has historically been an even greater lack of protection against discrimination on the basis of gender identity. The current bill passed by the Senate and introduced in the House remedies this glaring omission.

## ***Problem***

It is an absolute injustice that in most states across the country it is currently legal to fire an individual, deny an individual a promotion, and discriminate against an individual in the workplace in a myriad of other ways based on that individual's actual or perceived sexual orientation and/or gender identity. The Human Rights Campaign has advocated tirelessly for ENDA, citing its necessity as LGBT individuals currently face such significant and unjust discrimination in employment.

In order for ENDA to be signed into law by the President, it first needs to pass in both the Senate (which it already has) and the House (where it has been proposed). The President himself has reminded lawmakers and citizens alike that "now is the time to end this kind of discrimination in the workplace, not enable it. I urge the House Republican leadership to bring this bill to the floor for a vote and send it to my desk so I can sign it into law."

The issue of discrimination based on sexual orientation and gender equality is not new. As evidenced by the various other iterations of ENDA which predate the current bill and which have in some cases been passed in one house of Congress but not the other, the issue is of

extreme importance to the American people and has been for some time. LGBT Americans deserve the same workplace protections against discrimination already in place regarding race, sex, national origin, religion, and disability that they are currently denied. LGBT citizens serve our nation in combat, teach our students in school, and, like all citizens, generally serve, engage, and function at all levels of our society. They are valued members of our communities and citizens of our nation. And yet, LGBT individuals are denied basic legal protections against workplace discrimination.

One problem, of course, is that discrimination on the basis of sexual orientation and gender identity exists. However, a twin issue is that our government is not being proactive about addressing this major problem that affects citizens of our country who should be equally protected from discrimination in the workplace by law. The government needs to enact legislation to eradicate this form of unjust discrimination. The government cannot change the small acts of discrimination citizens may choose to exercise. It can and it must, however, make discriminatory workplace practices illegal and ensure that all citizens of the United States are equally protected under the law against the injustice of workplace discrimination.

### ***Solution***

It is of paramount importance that House leadership recognizes the absolute injustice of workplace discrimination based on sexual orientation and gender identity, and consequently brings the Employment Non-Discrimination Act to a vote so it may be passed. Furthermore, it is essential that those members of the House who have indicated their support for workers' rights in their sponsorship of the bill (Representative Eshoo included) galvanize their constituents and garner further support for the legislation in order to pass it in the House.

Additionally, groups of senators and representatives alike have come forward asking the President to issue an executive order to eradicate workplace discrimination based on sexual orientation and gender identity in the federal workforce. The executive order would provide subjected individuals with another mechanism of support against unjust discrimination. In conjunction with the enactment of ENDA, this non-discrimination protection for federal contractors would equal those protections that have rightfully been in place for decades on the basis of race, sex, disability, and more for members of the federal workforce. Highlighting the importance of ENDA and bringing it to national attention in this way would be another step in the right direction towards granting the American people the rights and protections against discrimination in the workplace that they so deserve.

### **Works Cited**

Caldwell, Leigh Ann, Ted Barrett, and Deirdre Walsh Contributed to This Report.

"Senate Passes LGBT Anti-discrimination Bill." *CNN*. Cable News Network, 08 Nov. 2013. Web. 05 May 2014. <<http://www.cnn.com/2013/11/07/politics/senate-lgbt-workplace-discrimination/>>.

"Employment Non-Discrimination Act | Federal Advocacy." *Human Rights Campaign*. The Human Rights Campaign, 20 Mar. 2014. Web. 03 May 2014. <<http://www.hrc.org/laws-and-legislation/federal-legislation/employment-non-discrimination-act>>.

Feder, Joy, and Cynthia Brougher. "Sexual Orientation and Gender Identity Discrimination in Employment: A Legal Analysis of the Employment Non-Discrimination Act (ENDA)." Congressional Research Service, 15 July 2013. Web.

Obama, Barack. "Congress Needs to Pass the Employment Non-Discrimination Act."  
*The Huffington Post*. TheHuffingtonPost.com, 03 Nov. 2013. Web. 05 May 2014.  
<[http://www.huffingtonpost.com/barack-obama/endacongress\\_b\\_4209115.html](http://www.huffingtonpost.com/barack-obama/endacongress_b_4209115.html)>.

## ***Labor Trafficking in San Jose***

Caleb O'Neel

### **Background**

There are currently 30 million enslaved human beings in the world. The majority of them are in Southeast Asia, India, and sections of Africa. However, shocking amounts are here in the Bay Area. While most people have become aware that human trafficking is not just a problem of the past, it is still far too widespread to be acceptable. As defined by the Trafficking Victims Protection Act of 2000, labor trafficking is "The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery." While in recent years progress has been made in fighting with the passage of laws such as Proposition 35, much work remains to be done.

### **Problem**

With the Super Bowl coming to Santa Clara in 2016, accompanying spikes in trafficked victims can be expected from the increased demand for construction and textiles; two sectors that are permeated with trafficked victims. Our district does not appear ready to combat this. However, there is time to remedy that. Labor trafficking is cleverly disguised, with workers receiving compensation, but also charged expenses that far exceed any minimum compensation they receive. Workers then become indebted to their employers and are forced into indentured servitude. Because of this disguise, officials may not recognize the situation for what it is, and even the victims may fail to realize what is happening to them is illegal.

### **Solution**

To combat this problem, there are several practices that need to be cracked down on to minimize exploitation, especially of immigrants. San Jose in particular faces many challenges with sex and labor trafficking as the Bay Area is home to many immigrants. In labor trafficking, many immigrant visas like A-3, G-5 or NATO-7 tie them to a single employer. This gives the employer power to exploit their worker and give him or her much less than is owed.

Solving this problem is no easy task. However with an influx of trafficking victims there are ways to reduce the problem. One way would be an increase in specialized police units that target fighting, or more funding for the ones that already exist. Another would be to provide training to public officials on how to spot human trafficking. Monetary support of programs that reintegrate victims rescued from human trafficking is another necessary step in ending the practice. Modern day slaves are not hidden away; they are in plain sight. Providing training to public officials on how to see past seemingly innocent business practices for what they really are can make an impact. Finally, increasing awareness is the most effective strategy available. As many of the victims are immigrants unaware of the fact that they are being exploited, they do not always realize they have the option to escape from this lifestyle. Let them know that there are programs to reintegrate them into society that could be the difference between freedom and spending their lives enslaved. Educating the public on the topic, and how to support businesses that use no slave labor in the creation of their products works to fight the system as well.

Lastly, rallying support for any anti human trafficking bill in the house would help. More legislation that provides funding support and awareness would be a major step in the right direction towards ending human trafficking

## Works Cited

"Human Trafficking." *San Jose Police*. San Jose Police Department, n.d. Web. 14 Mar. 2014.

"Labor Trafficking | Polaris Project | Combating Human Trafficking and Modern-day Slavery." *Labor Trafficking | Polaris Project | Combating Human Trafficking and Modern-day Slavery*. Polaris Project, n.d. Web. 13 Mar. 2014.

United States. Cong. *Trafficking in Persons International Dimensions and Foreign Policy Issues for Congress*. By Liana Sun. Wyler. Cong. Bill. Washington, DC: Congressional Research Service, Library of Congress, 2012. Print.

United States. Cong. *Trafficking in Persons U.S. Policy and Issues for Congress*. By Clare Ribando. Seelke and Alison Siskin. 110th Cong. Cong. Bill. Washington, D.C.: Congressional Research Service, Library of Congress, 2008. Web.

## ***Racial Discrimination in the United States***

Grant Baum

### **Background**

Throughout the history of the United States, racism in the workplace has been a problem. In 1961 John F. Kennedy signed Executive Order 10925 stating that employers must create a healthy work environment for all workers regardless of race. This was the first time the term “affirmative action” was used in the United States government. In 1965, president Lyndon B. Johnson signed Executive Order 11246 stating that employers must not account race or religion into account when hiring (Dale 1). These two Orders compose what is most commonly known as Affirmative Action. Affirmative Action consists of giving special opportunity for specific groups that have suffered large amounts of discrimination. The goal of instituting affirmative action is to jump start racial equality in the workplace. Currently, affirmative action is widely supported by most workers, however it often times not properly implemented. This year, the Supreme Court ruled that it was constitutional to not allow racial preference in state school admissions in the case *Schutte v. Coalition to Defend Affirmative Action*. Affirmative action also places racial quotas on college admissions officers. There have not been any large issues regarding Affirmative Action in the workplace, however, many suspect that is because it is not being implemented to its full extent.

### **Problem**

Although Affirmative Action has made sufficient headway since the 1960's, our country still has a long way to go in becoming “colorblind.” Between 1990-2009 the median household income is \$33,321 for African American citizens, \$39,005 for Mexican American, \$57,009 for whites and \$68,636 for Asian Americans, according to the United States Census Bureau. The unemployment rate for white men and women over 20 years of age is currently around 5.3%. In comparison, the unemployment rate for the same age and gender demographic for African American citizens is closer to 11%. These statistics illustrate the asperity in employment and wages between races.

### **Solution**

President Obama has proposed this year in two Executive Orders and a Presidential Memo that there needs to be reform to the conditions of Affirmative Action. President Obama stated in his Presidential Memo that the Department of Labors is required to propose regulations requiring employers to submit pay, race, and gender data. Furthermore, President Obama issued an Executive Order stipulating there should be no retaliation against employees for inquiring about, discussing, or disclosing pay. The Board feels that these two acts are a large step in the right direction. However, these two alone will not be enough. The Board asks Congresswoman Eshoo to support new legislation in favor of improving or expanding on Affirmative Action.

### **Works Cited**

Bensur, Gabriella, and Jennifer Brokamp. "Schutte v. Coalition to Defend Affirmative Action." *LII / Legal Information Institute*. Cornell University, n.d. Web. 08 Mar. 2014.

"Table A-2. Employment Status of the Civilian Population by Race, Sex, and Age." *U.S. Bureau of Labor Statistics*. U.S. Bureau of Labor Statistics, n.d. Web. 08 Mar. 2014.

United States. Legislative History. American Law Division. *Federal Affirmative Action Law a Brief History*. By Charles V. Dale. Washington, D.C.: Congressional Research Service, Library of Congress, 2005. Print.

United States. U.S. Census Bureau. *Money Income of Households*. N.p.: n.p., 2012. Print.  
"Affirmative Action & OFCCP Law Advisor." *Affirmative Action OFCCP Law Advisor*. N.p., n.d. Web. 28 May 2014.

"Schuette v. Coalition to Defend Affirmative Action." *SCOTUSblog RSS*. N.p., n.d. Web. 28 May 2014.

Fisher v. University of Texas at Austin. 570 1. Supreme Court. 24 June 2014. *Supreme Court*. N.p., 24 June 2014. Web. 27 May 2014. <[http://www.supremecourt.gov/opinions/12pdf/11-345\\_l5gm.pdf](http://www.supremecourt.gov/opinions/12pdf/11-345_l5gm.pdf)>

## ***Sex Trafficking at Major Sporting Events***

Jessica Bird

### **Background**

Major sporting events, around the world and in the Bay Area specifically, create large hubs for illegal sex trafficking. This is because the increase of fans at these events creates optimal conditions for Pimps wanting to make a profit. Experts say that the number of men looking to pay for sex substantially increases demands and the massive crowds allow for victims to essentially go unnoticed, without law enforcement being able to prosecute properly. The Super Bowl specifically, an emblem of American pride, is said to attract the a large amount traffickers due to the celebratory nature of the game. (Dye, Eric). In 2016, the Levi Stadium in Santa Clara, California, home to the San Francisco 49ers, will host Super Bowl 50, and the Bay Area must be prepared.

### **Problem**

The International Justice Mission defines sex trafficking as “a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.” It is the third largest illegal trade following drugs and weapons, creating a 32 billion dollar industry. There are currently about 18,000 men, women and children trafficked for sex within the US each year (International Justice Mission). San Francisco, California is the fourth largest sex trafficking area in the world. For the 2010 Super Bowl alone, an estimated 9,000 prostitutes were trafficked and transported to Miami. The following year, 133 underage arrests for prostitution were made during the Dallas Super Bowl. According to FOX News, only five victims were rescued and eight perpetrators arrested at the 2013 Super Bowl in New Orleans, a small number compared to the estimated thousands who were trafficked (Goldberg). Many will dispute that there is no statistical evidence to prove this data, however, the varying level of law enforcement put in place around these sporting events does increase anti-trafficking efforts and is dependent on state and county regulations. Co-founder of the Bay Area Anti Trafficking Coalition Brian Wo states, “We are not here to enter into a debate about which position is closer to the truth, as human trafficking does happen on Super Bowl weekend in host cities, just as human trafficking happens in cities across the country every day of the year” (Wo). Therefore, our 18th district must join forces with law enforcement and local anti-trafficking organizations to establish prevention, intervention, and aftercare methods to stop trafficking from occurring at the 2016 Super Bowl.

### **Solution**

Proper legislation is necessary to prevent trafficking in the Bay Area. On July 11, 2011, the Abolition of Child Commerce, Exploitation and Sexual Slavery Act was put in place, requiring individuals convicted of procuring sexual services from a minor prostitute to pay an additional fine of up to \$25,000 to fund programs for sexually exploited children (Human Trafficking Legislation). The problem with this act is minors are not the only people being trafficked in the state of California, so the act must be widened to include an additional fine for victims of all ages and genders. A higher conviction for trafficking will consequently result in a lower demand, thus decreasing the need for a supply. Furthermore, laws must be written to give the benefit to the person formally labelled a prostitute, so she instead seen as a victim in the eyes of our Judicial system, and the perpetrator is the criminal. Most often when cases of prostitution are looked further into, it is verified that the victim is there by force, fraud, or coercion. Attempted crackdowns on prostitution and trafficking, both related to and apart from sporting events, have misfired because the lack of legislation in place to specifically address trafficking.



The California Trafficking Victims Protection Act of 2005 covered criminal prosecution, victim protection, and prevention efforts, but did not require police officers to be updated on trafficking laws. In this case, a police officer may arrest a victim of trafficking as if she or he were a criminal, then placing them in jail rather than the proper healing facility.

Intervention methods such as anti-trafficking awareness trainings for law enforcement, service providers, hospitality industries, and civilians will help intervene in existent conditions of trafficking. These trainings are designed to teach people how to identify a case of trafficking and properly execute a rescue through trained officials, which doesn't always mean calling the police. Common public locations of trafficking are hotels, airports, taxi cabs, and street corners. If recruitment, harboring, or exploitation is clearly visible, it is most often an instance of trafficking. However, other scenarios include one dominant male surrounded by many women who look tired or downtrodden, have physical injuries or signs of abuse appearing on the body, do not have control of their identification, and are unable to escape a situation. Local non-profits such as the Bay Area Anti Trafficking are doing their job to provide these anti-trafficking awareness trainings. Co-founder of the BAATC, Brian Wo, claims, "Part of our strategy to Delete\_Slavery is to elevate public awareness levels about human trafficking, and we see the Super Bowl as a high visibility opportunity to bring it to the forefront of the public's attention" (Wo). To effectively intervene in cases of sex trafficking at the Santa Clara Super Bowl, our Congressional District must fully support these trainings.

The last step to ensure the Bay Area is in full support of ending sex trafficking is to create enough aftercare facilities for the victims. Seventy percent of survivors of sex trafficking return to prostitution out of their own will because they have nowhere else to go and no means of making a sustainable income or securing an education. They become attached to their "pimps," addicted to the drugs they take, and know no other lifestyle than this. To prevent these victims from relapsing, they must learn the proper leadership and responsibility skills necessary for a life beyond prostitution. These are skills that can only be permanently instilled through the proper rehab facility. Most cities in the US do not have specific aftercare facilities like safe houses that effectively address the needs sex trafficking victims. There are many shelters for victims of domestic violence, childhood pregnancy, or alcohol and drug abuse, but the conditions of a human slavery require specific support, which organizations like Freedom House offer. Freedom House works closely with law enforcement and community partners to identify survivors of human trafficking, and to provide them with the care and services they need to rebuild their lives. "Through our innovative aftercare model, Freedom House is breaking the cycle of exploitation and creating new futures for survivors" (Freedom House). To permanently end trafficking in the Bay Area, our Congressional District must fully support aftercare programs like Freedom House.

In his remarks to the Clinton Global Initiative in 2012, President Barack Obama claimed, "It ought to concern every person, because it is a debasement of our common humanity. The injustice, the outrage, of human trafficking, must be called by its true name -- modern slavery" (Office of the Press Secretary). Modern day sex trafficking is a violation of human rights. It deteriorates the dignity and respect of an individual's freedom, forcing them in bondage based on their sexuality. It happens everywhere in the world, yet we deny it in our own backyard, the San Francisco Bay Area. During the 2016 Super Bowl, Congressional District 18 must come together to fight, and to end, sex trafficking.

### **Works Cited**

"About Us | Freedom House." Freedom House RSS2. N.p., n.d. Web. 13 Mar. 2014.  
Dye, Eric. "Super Bowl Is Single Largest Human Trafficking Incident In U.S." Finding Justice. N.p., n.d. Web. 22 Sept. 2013.

Goldberg, Eleanor. "Super Bowl Is Single Largest Human Trafficking Incident In U.S.: Attorney General." The Huffington Post. TheHuffingtonPost.com, 03 Feb. 2013. Web. 12 Mar. 2014.

"Human Trafficking Legislation." Home. State of California Department of Justice Office of Attorney General, n.d. Web. 12 Mar. 2014.

"Injustice Today." International Justice Mission |. N.p., n.d. Web. 14 Mar. 2014.

Office of the Press Secretary. "Remarks by the President to the Clinton Global Initiative." The White House. The White House, 25 Sept. 2012. Web. 14 Mar. 2014.

Wo, Brian. "Bay Area Anti-Trafficking Coalition - Fight Human Trafficking and Delete\_Slavery in the San Francisco Bay Area." Bay Area Anti-Trafficking Coalition. N.p., n.d. Web. 14 Mar. 2014.

## ***Gender Equality In the Workplace***

Sasha Harrison

### **Background:**

For the better half of our nation's history, women have been battling for equal rights in the eyes of the law. There has been much headway in this regard, but this battle has yet to be won. The 19th amendment granted women suffrage, and after World War I, women became a significant part of the workforce (Henretta 652). Although women's rights have come a long way, sex discrimination in the workplace is still rampant today and the underrepresentation of women in senior managerial positions should be an issue of great concern to Congress (Levine 1-3).

### **Problem**

Title VII of the Civil Rights Act of 1964 and Title IX of The Amendments to Education of 1972 prohibit employment discrimination and sex discrimination in education, respectively (Lewis and Shimabukuro). However, evidence of sex discrimination is hard to come by, and as a result, this legislation has played a limited part in the movement toward gender equality. Under these Acts, an employer is prohibited from discriminating against individuals based on race, gender, or religion in regards to hiring or employment conditions. Employers must provide equal employment opportunities to people of all races and genders. But in many of the court cases involving sex discrimination, plaintiffs have not been able to provide sufficient evidence of discrimination or unequal employment opportunities (Sex Discrimination in the United States Supreme Court). Indeed, discrimination often takes a subtle form. If a non-minority applicant is chosen for a given position, there will be no proof to substantiate that the employer did not consider all applicants fairly. Regardless of the enforceability of anti-discrimination legislation, women are significantly underrepresented in managerial positions; despite making up 47% of all employed persons, women hold less than 5% of senior managerial positions in Fortune 500 companies (Levine 1-3).

Some believe that this phenomenon occurs because there are simply less qualified women. They suggest that if women attain more credentials, their role in management will eventually increase. But the data that the Department of Labor has collected suggests that this hypothesis is false, and that there exist barriers that discourage women from advancing their careers. To combat these barriers, the Civil Rights Act of 1999 created the Glass Ceiling Commission (Levine 1-3).

### **Solution**

There is no clear-cut solution to this problem, but there are, however, steps that can be taken to limit the amount of gender discrimination in employment. The Glass Ceiling

Commission is a panel of experts that assess how top companies utilize female and minority workers. It educates employers on fair hiring tactics and is committed to creating a workplace where all employees are valued (Levine 2-3). I encourage congresswoman Anna Eshoo to support the Glass Ceiling Commission in its endeavors to end sex discrimination. Next, I propose an amendment to Title VII of the Civil Rights Act that would leave the definition of gender discrimination more vague and open to interpretation. This would allow judges in the court system more flexibility in their rulings on gender discrimination, and hopefully, would help women who have been treated unfairly prove their case.

The average business career in America progresses quickly when the worker is young and more slowly when the worker is old. This poses a challenge to female workers, as child rearing often dominates the phase of their life when they are beginning their professional careers. As a result of this phenomenon, women get promoted less often in their early life because their attention is divided between the workplace and their families. But women, as well as men, generally get promoted less often in their later life. As a result, there is a managerial disparity between employees of different sexes. Women have had more career success in medical fields because the rate of career progression in medical professions is much more organic. For example, female doctors who have children can work part time for the first five years of their child's life without detrimental consequences for their career aspirations (The Importance of Workplace Flexibility). I propose that the government make an effort to introduce legislation to promote more career flexibility in fields other than medicine. Specifically, Congress could pass an act that requires employers to offer their female employees extended maternity leave or a part-time position for the first 3 years of their child's life.

In summary, encouraging the Glass Ceiling Commission, more career flexibility, and an amendment to change the definition of gender discrimination will help women to secure more managerial positions. Many European countries already offer longer maternity leaves for female employees, therefore proving that extending the maternity leave in the US is very much possible. The effort to secure more gender equality in the workplace has been a part of a larger human rights movement that has taken place throughout the 20th and 21st centuries. Today, progress is being made on many human rights topics, including privacy, weaponry, LGBT, and abortion. As the U.S. expands the rights of its citizens and supports human rights efforts around the world, it is helping to make freedom and liberty a reality for all.

### **Works Cited**

Compliance Assistance - Wages and the Fair Labor Standards Act (FLSA) - Wage and Hour Division (WHD) - U.S. Department of Labor." Compliance Assistance – Wages and the Fair Labor Standards Act (FLSA) - Wage and Hour Division (WHD) - U.S. Department of Labor. United States Department of Labor, n.d. Web. 06 Mar. 2014.  
Henretta, James A., David Brody, and Lynn Dumenil. *America: A Concise History*. Boston:

- Bedford/St. Martin's, 2002. Print.
- United States. Labor Economics. Domestic Social Policy. The Glass Ceiling a Fact Sheet. By Linda Levine. Washington, D.C.: Congressional Research Service, Library of Congress, 1996. Print.
- United States. Sex Discrimination and the United States Supreme Court: Recent Developments in the Law. By Karen J. Lewis and Jon O. Shimabukuro. Washington, D.C.: Congressional Research Service, Library of Congress, 1999. Print.
- "What Women Want: The Importance of Workplace Flexibility." Women Powering Business RSS. Women Powering Business, 2013. Web. 07 Mar. 2014.

## LGBT/Diversity Subcommittee

### *Affirmative Action in Education: Reverse Discrimination*

Dhruv Kumar

#### **Background**

Affirmative action has been instituted throughout international society as a means to reduce discrimination in employment procedures as well as in college admissions. Its purpose is to ensure that members of all races, religions, and genders are able achieve their goals and are represented as fairly and equally as possible in all institutions and industries. However, there have been many instances in which the opposite occurs. In an effort to ensure that certain groups of people attain their goals, other groups have been marginalized, and the effectiveness of affirmative action in creating a valuable education for the people it assists has been questioned. In order to prevent this reverse discrimination, the United States Supreme Court ruled in 1978 through *Regents of the University of California v. Bakke* that quotas could not be set for each when college admission decisions are being made. However, it did uphold affirmative action, and allowed race to be a factor in college admissions, which is a tactic universities commonly use to add diversity to their campuses. However, in California, Proposition 209 was passed in 1996, outlawing any consideration of race in government institutions, including the University of California system. Thus, in California, the debate over affirmative action in education should only apply to private institutions. Despite this law, there is much speculation that this discrimination still does, in fact, take place.

#### **Problem**

There are three prominent problems with affirmative action. Firstly, many of the people admitted to colleges end up near the bottom of their class. According to UCLA professor Richard Sander, those of African American descent affected by this phenomenon suffer from what is known as the mismatch effect, in which students who would be much better off at schools where the pace of learning and course rigor is easier end up instead at top-tier colleges. In fact, much data shows that African Americans often drop out and perform worse than others at these schools, whereas other institutions they may have been able to learn more and perform better, ultimately graduating with the proper skills needed to succeed.

Secondly, affirmative action tends to discriminate against the ones it attempts to help. At Harvard University, about eight percent of the student population is black. However, out of those, only one-third had all four grandparents born in the United States, according to the *New York Times*. Most of the other African Americans are children of recent immigrants from Africa and the Caribbean. Thus, this policy attempts to help those who have long been unjustly treated in our nation, but ends up hurting them in favor of more recent immigrants. This is not a call to lower their acceptance rates, but to raise them for those who the policy is actually meant to assist.

The final main problem is that by discriminating positively towards one group of people, affirmative action tends to do so negatively for others. The trend is that those of Asian descent, especially in California, have an extremely hard time getting admitted to schools due to these policies. In the UC system it may be outlawed, but the idea is still present. In fact, a constitutional amendment in the California State Senate, SCA-5, was introduced to implement a cap for the amount of Asian students admitted to UCs. The bottom line is, a boost for Latino and black students in college graduation and admissions is necessary as everyone deserves an equal opportunity to achieve success; however, this cannot occur at the expense of another group of people.

## **Solution**

The problems with affirmative action clearly outweigh its benefits despite its beneficial intentions. Thus, it is necessary that affirmative action continues to be restricted. It currently is restricted mainly on a case-by-case basis within individuals and schools, as well as on the basis of court rulings. However, it is necessary that federal legislation comes about to further prevent this reverse discrimination. This is not a partisan issue, as members of both parties are split on their decisions over the policy. However, as a democracy, it is necessary that we do not discriminate to harm any group of people. It is also necessary to ensure that groups of people with disadvantages are able to attain the educational opportunities they deserve. Thus, in order to ensure that these people do so without the use of affirmative action, progressive legislation is necessary to establish more college guidance programs within public schools. Take Evergreen High School in East San Jose. It has a student population of around 4,000, with only two college counselors for its students. How is it possible that one counselor can ensure that 2,000 students get admitted to the colleges they deserve to attend? Saint Francis High School, a private Catholic preparatory school in Mountain View, has a total of eight counselors for 1,600 students, a sufficient ratio. Thus, the solution to this problem is allocating more resources to public schools and districts to ensure that students have the proper guidance through high school to college.

## **Works Cited**

- "CA Secretary of State - Vote96 - Text of Proposition 209." CA Secretary of State - Vote96 - Text of Proposition 209. State of California, n.d. Web. 01 May 2014.
- "Regents of the Univ. of Cal. v. Bakke." LII / Legal Information Institute. Cornell University, n.d. Web. 30 Apr. 2014.
- Rimer, Sara, and Karen W. Arenson. "Top Colleges Take More Blacks, but Which Ones?" The New York Times. The New York Times, 23 June 2004. Web. 01 May 2014.
- Sander, Richard, and Stewart Taylor, Jr. "The Painful Truth About Affirmative Action." The Atlantic. Atlantic Media Company, 02 Oct. 2012. Web. 01 May 2014.

## ***LGBT Adoption Laws***

Mariam Sulakian

### **Background**

Lesbian, gay, bisexual, and transgender (LGBT) laws and regulations, such as those concerning gay marriage and rights of adoption, have increased in visibility over the past few years with the encouragement of members of the LGBT community and their supporters. Among the prevalent issues regarding all LGBT persons is that of adoption, which has various specific regulations within different state and country legislations.

In most cases, one parent adopts a child while the second applies to become a parent. Second parent adoptions are legal in 21 states, including Washington, DC. Among the states that allow gay adoption are California, Massachusetts, New Jersey, New Mexico, New York, Ohio, Vermont, Washington, and Wisconsin. California permits single LGBT individuals to petition for adoption and permits a same-sex couple to jointly petition to adoption. In addition, California allows a same-sex partner to petition to adopt the partner's child or child of the relationship.

### **Problem**

However, though a handful of states support the rights of homosexual people to adoption, others still do not allow it, either through outright bans or strict limitations. Florida remains in the midst of states that currently have a ban on gay adoption. Mississippi, on the other hand, permits single parents to adopt, but rejects adoption by gay couples. Although the United States does not prohibit same-sex couples to adopt nationwide, some countries do place regulations on this form of adoption. For example, though Canada has legalized gay adoption in nine provinces, three of its territories remain with legislation outlawing gay adoption. Besides Canada, countries such as England, Sweden, Netherlands, Spain, Wales, and Belgium have also legalized gay adoption. In Iceland, Norway, Germany, and Denmark, a couple in a civil union can adopt the child of the partner as a form of stepchild adoption. Lesbian, gay, bisexual, and transgender partners wishing to adopt must adhere to adoption legislation in the child's legal country, as is the case with heterosexual couples seeking to adopt.

### **Solution**

Equal rights of adoption between straight and gay people constitute an ever-controversial part of our society. Speaking specifically of the U.S., there remains a split in states which allow gay adoption and those which do not. Perhaps one reason some states still oppose gay adoption is the state of regression and adherence to past laws by some and the lack of public education on the matter. To encourage worldwide acceptance and gender equality, in terms of sexuality, states should further advocate the commonalities between homosexual and heterosexual people. A way of doing so may include demonstrations and presentations by LGBT persons to the public of them sharing their stories. The barrier that remains is due largely to common misconceptions by the public, and the only way to alter the opinions of the majority is to educate about LGBT people and make way for their acceptance.

Until the government discovers new ways to spread awareness and raise recognition for equal rights, the LGBT community cannot enjoy their basic constitutional rights and pursue happiness. In summation, states must increase education on the issue of gay adoption to stimulate the public's acceptance on the matter, not just on a state level but also on a federal one.

### **Works Cited**

"Adoption by LGBT Persons." Intercountry Adoption. Bureau of Consular Affairs,



n.d. Web. 28 May 2014. <[http://adoption.state.gov/adoption\\_process/](http://adoption.state.gov/adoption_process/)>.

"LGBT Adoption Laws California." Lifelong Adoptions. LifeLong Adoptions, n.d.

Web. 28 May 2014. <<http://www.lifelongadoptions.com/>>.

"State Gay Adoption Laws." Public Broadcasting Station. Jumpstart Productions,

n.d. Web. 28 May 2014. <<http://www.pbs.org/now/politics/>>.

## ***Voter ID Laws in Regards to the LGBTQ Community***

Mary Liu

### **Background**

The right to vote is a basic American principle that serves as a foundation to the everyday lives of United States citizens. Participation is vital to democracy and so any hindrance to the electoral process is detrimental to the vitality of the country itself. When legislation passed by state governments purposefully impedes the registration of voters, however, everyone suffers. Governments will only hear opinions from a very small minority group, ignoring the suffering of disenfranchised voters. Due to a collection of new voter ID laws that have begun to gain traction, members of the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community have suffered immensely with regards to their rights as citizens.

### **Problem**

The rationale behind voter ID laws is to impede people potentially guilty of fraud at the polls. Many states require the display of a valid photo identification, which enforces a strict regulation against minority voters who do not have access to such forms of identification. Transgender persons, whose sex is generally listed on identification papers as the sex they were born into, may be cast aside on suspicion of impersonation fraud at the polls. The Williams Institute of the UCLA School of Law discovered that approximately 25,000 transgender persons might be rejected from polling places in a single election year. A study found that less than 60% of transgender persons' identification records do not accurately reflect their designated gender. From there, transgender people are subject to further scrutiny and suspicion of false identification records.

The inevitable question regarding changing identification on paper is answered quickly by the looming bureaucratic and legal entities that bar a smooth transition for transgenders. The National Trauma Data Standard discovered that around 22% of transgender participants had been subject to harassment when confronted by government employees. Such harassment intrudes on a citizen's legal rights and violates the basic human right to privacy. The right to vote is described as "Of the most fundamental significance under our constitutional structure" by the Supreme Court. How, then, are such voter ID laws allowed to pass each and every year with increasing frequency?

### **Solution**

In order to better address this problem, lengthy measures in regards to education and legislation measures must be taken. Strict limitations, as placed by the recent voter ID laws, must be revised in order to better address the needs of every citizen. Legislation must be enacted to further advance education within classrooms and workplaces in order to help eradicate negative stereotypes and beliefs against the LGBTQ community. For a better and fairer nation that hears the thoughts of each and every one of its people, these measures must be taken.

Legislation must be implemented so that it is easier to make alterations on a citizen's ID without disqualifying the citizen from fully exercising their civil right to vote. ID is requested frequently for purchases of alcohol, firearms, or cigarettes. The right to vote is as basic as a citizen's right to purchase any of these goods. By relaxing strict voter ID laws, which have been proven to only prevent citizens from voting rather than their intended purpose of reducing fraud, a greater number of citizens can participate in democratic elections. By providing citizens with additional challenges that eventually dissuade them from voting altogether, voter ID laws only serve an ultimately negative influence on the electoral process. Fewer constituents are heard and

the needs of every community are not met. Education is inherently important to the election season. It is only through a combined effort of legislation and education that negative stereotypes and stigmas may finally be removed.

### **Works Cited**

Cole, Shelby. "Advocates Fear Voter ID Could Deter Transgender Voters." *The Texas Tribune*. Texas Tribune, 26 Feb. 2014. Web. 27 May 2014.

"Oppose Voter ID Legislation - Fact Sheet." *ACLU*. American Civil Liberties Union, 21 July 2011. Web. 27 May 2014. <<https://www.aclu.org/blog/tag/voter-id>>.

## Privacy/Security Subcommittee

### *Credit Card Security*

Anna Yu

#### **Background**

In today's day and age, credit cards are no longer used solely in their physical form but also in the virtually as well. As mobile phones, laptops, and tablets reinvent payment processes, they also eliminate the need for the piece of plastic we currently call credit cards. Technological advances give customers the ability to make payments without a machine or physical plastic card present. Despite the convenience, these payment alternatives have led to a rise in security breaches causing incidents such as the recent Target breach. The actual credit card itself also has key flaws in its easiness to be manipulated by criminals as well with outdated security measures. With so much sensitive, personal data held on credit cards (name, email, address, etc) the use of them online introduces a whole new breed of privacy issues and the violation of Americans' right to privacy as well.

#### **Problem**

In the example of the Target security breach, personal data was stolen from over 70 million shoppers. Sensitive information such as name, mailing address, phone number, and email were all acquired by the hackers trespassing the customers' privacy. How was it so easy for these hackers to attain this information? Credit card transactions transfer the personal data on the credit card between the store, the store's bank, a personal bank, and third party servers of payment processing companies. This transfer of information occurs all within one swipe of a card, and its easiness may be a sign of lack of security rather than technological advancement. "We are using 20th century cards against 21st century hackers," says Mallory Duncan of the National Retail Federation. The U.S. credit and debit cards today rely on the very easy to copy magnetic strip on the back to store personal data. It turns out this strip uses a technology similar to cassette tapes.

The result of such laxity in security leads to identity theft and credit card fraud problems. "In 2012, around 12.6 million Americans were reportedly victims of identity fraud and the average identity fraud victim incurred a mean of \$364 in costs as a result" (Fahey). Many countries outside of the U.S. already use a more advanced credit card that limits these kinds of privacy breaches of sensitive, personal data. In countries such as the UK, credit cards now carry digital chips that hold data instead. With every new transaction, the chip generates a new code, making replication much more difficult for criminals. Instead of signatures, a pin alternative to identification is used to ensure more secure transactions as well.

Such changes to American credit cards call for a big investment, which is exactly what the credit card companies and store retailers do not want to pay for. "Card companies want stores to pay to better protect their internal systems," Fahey explains. "Stores want card companies to issue more sophisticated cards. Banks want to preserve the profits they get from older processing systems." Privacy is of key importance to the American people and our values. Information stored on credit cards (name, address, email, phone, etc) need to be protected as every American has a right to his or her privacy. Though not explicitly cited in our constitution, privacy is a

human right both federal government and the supreme courts have come to recognize again and again throughout history and must be preserved.

### **Solution**

As recently as this year, progress has already been made. In January the California Senate passed SB 383, preventing merchants from using consumer data for marketing purposes and requiring the information to be destroyed when no longer needed. Senator Roy Blunt also proposed the Data Security Act in February, requiring financial entities to implement policies protecting consumer information, investigate suspected data security breaches, and notify law enforcement agencies of any breach likely to harm consumers. Improvements in privacy matters regarding credit card data such as SB 383 help reduce the 87% jump in credit card fraud since 2010. Actions such as encouraging businesses to adopt a more secure firewall will prevent major security breaches like that of the recent Target incident from happening again. Though the roll out of the new chip and pin credit card is set for October 2015, the transition from old to new cards should be efficient and not postponed any time longer. Banks and businesses need to be pushed to invest in new security measures and technology to accommodate the fast paced advancements of hackers and cybercriminals, and congress has the power to pass such legislation to do so.

### **Works Cited**

"Credit and Debit Card Evolution." Forbes. Forbes Magazine, 10 July 2012. Web. 07 Mar. 2014.  
Fahey, Jonathan. "The Big Story." The Big Story. N.p., 22 Dec. 2013. Web. 04 Mar. 2014.  
Lifsher, Marc. "California Lawmakers Look at Credit Card Hacking." Los Angeles Times. Los Angeles Times, 18 Feb. 2014. Web. 04 Mar. 2014.  
Long, Heather. "Why Is the US a Decade behind Europe on 'chip and Pin' Cards?"Theguardian.com. Guardian News and Media, 27 Jan. 2014. Web. 04 Mar. 2014.  
Newman, Jared. "The Target Credit Card Breach: What You Should Know | TIME.com." Time. Time, 19 Dec. 2013. Web. 04 Mar. 2014.  
Shesgreen, Deirder. "Blunt Makes Push for Tighter Security Standards." Blunt Makes Push for Tighter Security Standards. News-Leader, 16 Feb. 2014. Web. 16 Mar. 2014.  
Yu, Alan. "Outdated Magnetic Strips: How U.S. Credit Card Security Lags." NPR. NPR, 19 Dec. 2013. Web

## ***Regulating Online Tracking***

Gray Perrone

### **Background**

In the last decades, new inventions in technology have been rapidly increasing from the cell phone to the Internet. The number of Internet users from 2005 to 2013 has gone from 51% of the world's population to 77%, showing the importance of the Internet in daily life for people around the world (*World Stats*). America has the second greatest amount of people using the Internet of all other countries. American citizens rely on the web for information, social media, communication and entertainment. The majority of Internet sites are completely free to the users. The money to sponsor the huge companies comes from the advertisements on their sites. In fact, ads make up around 80% of major companies', such as Google, Yahoo and Facebook, revenue (Friedman). Without advertisements, the Internet would not function as it does today. Technology for successful advertising has grown with the use of the Internet. Recently, companies have started using a device known as cookies to track users' online activity. The cookies are implanted by various sites and stay on the computer recording users' activity even when users exit out of that site. With cookie data from the different websites the users visited, companies create personal profiles for users. Based on these profiles, companies show users personalized advertisements in hopes of increasing interest.

### **Problem**

With these user profiles, Internet search engines and advertisers give users information and stories that the companies believe will be of more interest to them. People who show different interests could experience completely different digital worlds. For instance, Jeffery Rosen of the *New York Times* carried out an experiment with the cookies and profile information. By first clearing all the cookies on his computer, he created two profiles on the Internet: Democratic Jeff on Safari and Republican Jeff on Firefox. With each profile, he spent time on websites that exhibited their interests, such as a Mitt Romney site for the Republican. After two days, he saw different ads on the same articles using the different profiles. Furthermore, Internet advertisers categorize viewers based on their supposed "spending power." Consequently, companies will show different products to users based their estimated spending power. For instance, someone who is labeled as having higher capacity would be shown more expensive hotels than someone with lower spending power (Rosen). When American citizens rely on the Internet for accurate information, the fact that the information changes based on the user profile is disturbing.

The majority of Americans do not want to be tracked online. According to the Pew Survey, 73% of Americans do not want search engines to track their searches and personalize their results. Furthermore, only 38% of Americans know how to block cookies and stop the Internet from tracking them online (Reed). With such a vast majority against tracking, the government should take a stronger role.

Over a year ago the Obama Administration introduced the Consumer Privacy Bill of Rights in an attempt to offer consumers privacy while not hampering economic growth. The Bill of Rights committed to give consumers:

- “Transparency- the right to easily understand information about privacy and security.
- Respect for Context- the right that their information will be used in the context in which it was given.
- Security- the right to secure and responsible handling of their information.
- Access and Accuracy- the right to access and correct personal data.
- Focused Collection- the right to have reasonable limits on the personal data that is collected and retained.
- Accountability- the right to have data handled as outlined in the Bill of Rights.”

While the Privacy Bill of Rights would have gone a long way towards securing users’ privacy, the Congress has not addressed it for over two years (*The White House*). Consequently, some worried state governments have passed regulation on Internet tracking. In 2013 alone, more than ten states, such as Texas, Oklahoma and California, have made different privacy laws (Sengupta). In September 2013, the California government passed the “Do Not Track” Law to be in effect on January 1, 2014 (Cooley). The legislation requires that Internet companies post their privacy policy and what type of personal information is being tracked. Even though the states are making progress on this issue, “it can be counterproductive to have multiple states addressing the same issue” (Sengupta). The states do not have the national scope that the federal government does and are not influential in interstate commerce.

Search engines have the Do Not Track technology to give consumers the ability to tailor their privacy preferences. Some Internet and advertising companies tried to set voluntary privacy standards. The advertising networks committed to and then backed out of the Do Not Track options when they became too onerous and too costly to manage. Advertising funds the Internet sites, which provides free access to the majority of popular websites. Consumers like not paying for the Internet and advertisers want their investments to generate revenue. Consequently, the advertisers, Internet companies and the federal government seem to be at a stalemate.

## **Solution**

Amidst the recent problems with credit card information being hacked and heightened sensitivity to citizens being monitored by the NSA, the timing might be better now for getting legislation passed. The federal government should renew its efforts to revamp the old regulation on Internet privacy. The Privacy Bill of Rights would significantly strengthen consumer privacy. Sen. John Rockefeller of West Virginia introduced Do Not Track legislation in February, which is in committee now and hopefully will pass. The bill would require the FTC to make general standards and rules for the people who do not wish to be tracked online, forcing the companies to respect those customers.

In the absence of tighter online privacy laws being passed, there are a few other models that could work. The Internet companies could give the users an option before going on the site: pay a small sum of money to not be tracked and go on the site or be tracked and access the site for free. If the government adapted this model, the Federal Trade Commission should periodically check the companies to ensure that they are staying true to their word with

appropriate fines. The small amount of money that the users would pay the site would help compensate for the money that the company lost from advertisements. Furthermore, large companies, such as Google, Yahoo or Facebook, also could charge users a flat rate to go on the Internet without any tracking devices. The large companies would give a small amount of money to every site the user visited.

### Works Cited

- Freidman, Jay. "All You Can Eat (And Other Real Solutions To The Online Privacy Fiasco)." *AdExchanger*. N.p., 25 Mar. 2013. Web.
- "Internet Users - Top 20 Countries." *World Stats*. Miniwatts Marketing Group, 20 June 2012. Web.
- Reed, Brad. "What the FTC Recommends for Online Privacy." *Network World* 28 Mar. 2012: n. pag. Print.
- Rosen, Jeffery. "Who Do Online Advertisers Think You Are." *New York Times* [New York] 30 Nov. 2012: n. pag. Print.
- Sengupta, Somini. "No US Action, So States Move on Privacy Law." *New York Times* [New York] 30 Oct. 2013: n. pag. Print.
- "We Can't Wait: Obama Administration Unveils Blueprint for a "Privacy Bill of Rights" to Protect Consumers Online." *The White House*. N.p., 23 Feb. 2012. Web.



## ***NSA As a Human Rights Issue***

Julia McKay

### **Background**

The Obama Administration has argued that government surveillance activities, such as collecting phone records and targeting electronic communication content of foreign threats overseas, are crucial to national security and have prevented terrorist attacks (Lee). Intelligence officers have said that the two security programs have prevented over 50 potential terrorist events (Lee). These programs collect and store domestic phone records in bulk, target communications of international persons and gather information related to those people (Engelhardt). The programs do not collect the conversation itself, but instead the metadata, which is the data about a phone call (Rollins). The government does not know the exact location of the call, only the area code (Rollins). The acquisition must be conducted under the Fourth Amendment of the Constitution of the United States, which prohibits unreasonable searches and seizures and requires a warrant to be sanctioned and supported by probable cause (Engelhardt). The NSA claims that they “touch” only 1.6% of Internet traffic and review only 0.025% of that, but where is the United States going to draw the line (Lee)? Is it a violation of human rights to have the NSA tap into the phone conversation of American citizens?

### **Problem**

The problem with the NSA is that the subject matter and caller identity of a phone call can be identified in the programs, which makes some Americans feel uncomfortable. The government should not be able to eavesdrop and identify people from their private conversations because of the Fourth Amendment.

Having only the NSA, a single agency, act as the central aggregation point to collect domestic information does not make sense. There needs to be a way to involve the private sector. Rather than having an open system with multiple agencies involved, we have a closed one that makes the NSA the only agency controlling the safety of the American people (Lee).

Rapid improvement in private-sector cyber security programs makes sole dependence on the NSA unnecessary (Lee). Domestic counterterrorism should rely more on private civilian agencies in the private sector instead of military agents like the NSA.

### **Solution**

Since Americans are uncomfortable with the NSA having such a major role, a solution is to include the private sector. Major data analytic companies are currently dominating the American economy (Lee). These tech innovators can do a much more efficient and productive job than the NSA working alone (Lee). There is a way to balance the Fourth Amendment with discovering information that could lead to potential terrorist threats. There should be a more targeted approach in which warrants are requested to collect data when absolutely needed (Rollins). The government and the private sector can work together – if the government learns of valuable information from their databases, they can send that to the private sector, which can analyze the information more effectively than the government (Lee). Sharing of data relating to threats should be allowed between private companies so we can quickly learn of potential threats and get rid of them quickly. By balancing gaining a warrant and using the private sector in addition to NSA technology, human rights will be preserved and the United States will be safe.

### **Works Cited**

Engelhardt, Tom. "Pay No Attention to What They Tell You, They Are Listening

In." *The Huffington Post*. TheHuffingtonPost.com, 07 Apr. 2014. Web. 28 May 2014.

Lee, Timothy B. "Former Obama Official: Domestic Spying 'Inconsistent With the Values of This Country'" *Washington Post*. N.p., 1 Oct. 2013. Web. 7 Mar. 2014. <<http://www.washingtonpost.com/blogs/the-switch/wp/2013/10/01/former-obama-official-domestic-spying-inconsistent-with-the-values-of-this-country/>>.

Rollins, John W. "NSA Surveillance Leaks: Background and Issues for Congress." *Congressional Research Service*. N.p., 4 Sept. 2013. Web. 7 Mar. 2014.

"Surveillance Techniques: How Your Data Becomes Our Data." *Domestic Surveillance Techniques*. NSA, n.d. Web. 26 May 2014.

"The Domestic Surveillance Directorate." *The Domestic Surveillance Directorate*. NSA, n.d. Web. 28 May 2014.

## ***Congressional Oversight is Required to Preserve Net Neutrality***

Krishna Ammini

### **Background**

The regulation of Internet content is one of the most controversial cybersecurity issues today. Proponents of economic growth advocate the deregulation of Internet providers, while the civil liberties groups support net neutrality. There are several dangers that would potentially arise if Internet providers could censor content on their networks. People could end up losing many rights guaranteed by the Constitution, including freedom of speech and press. In addition, service providers may block or degrade the Internet content to benefit their businesses. Case in point: Comcast was found to be blocking certain file sharing applications on its broadband service. In order to preserve net neutrality, the FCC adopted the Open Internet Order on December 21, 2010.

The Open Internet Order was adopted to ensure that the Internet remained free and accessible, as it mandated that commercial Internet providers should not block or manipulate legal content that the consumers subscribed for. However, Verizon Wireless challenged the Open Internet Order in federal court, arguing that the FCC does not have the authority to regulate broadband services. The problem was that several years before the FCC's Open Internet Order, the FCC had classified ISPs as information services instead of telecommunications services, exempting them from the "common carrier" rules. On January 14, 2014, the D.C. Court of Appeals invalidated parts of the Open Internet Order that dealt with rules prohibiting blocking and discrimination on the Internet, based on the premise that the anti-blocking and anti-discrimination rules constituted common carriage regulation. Thus, the broadband Internet services that were originally classified as "information services" under the Communications Act would now be considered "common carrier" services. Since the Communications Act also prohibits regulation of common carrier services, the FCC could not impose the anti-blocking and anti-discrimination rules that prevent providers from infringing on consumers' rights. In order to allow time for the FCC to reformulate its regulations, Congress introduced the Open Internet Preservation Act of 2014 on February 3, restoring the FCC rules thrown out by the D.C. Court of Appeals. Recently, the FCC decided not to appeal the court decision and reserved the right to reclassify the Internet access services as 'telecommunication services' if necessary, by invoking Title II of the Communications Act.

### **Problem**

Problems surfaced once again with the FCC's latest proposal on the regulation of broadband providers that would allow preferred access to fast lanes on Internet for a toll. The new proposal is expected to withstand court challenge and appease the ISPs as it encourages these big service providers to try new business models and expand their services while ensuring protection of consumers and all content providers, big and small. However, there has been a substantial pushback from the public, small businesses (especially startups) and consumer advocacy agencies like the ACLU (American Civil Liberties Union) within days of its announcement. The proposal, if successful, would be ratified on May 15, 2014, allowing the

Internet Service Providers (ISPs) such as Comcast and Verizon to charge content providers like Google a toll to ensure fast delivery to the consumers.

Some might view ISPs offering different tiers of service as a non-issue for net neutrality. However, the ACLU expressed concern that the ratification of the FCC's new proposal would mean a 'reversal' of the principles of net neutrality, as the new rules would benefit only the major ISPs such as Comcast and Verizon that have monopoly over broadband services, raising barriers to innovation and restricting the Internet market. Again, proponents of these new regulations might argue that it would encourage content providers like Apple and Google that use broadband services to expand their product offerings. However, individuals and small businesses that also contribute to Internet content may not survive as they cannot afford to pay the premium price set by these ISPs. Although the FCC intends to review any abuses on a case-by-case basis, it is not sitting well with the public. People are apprehensive that the FCC might cave under pressure from huge conglomerates, and fail to protect consumer rights. Also, since small startups are essential for innovation and economic growth of the country, failure to protect their survival might prove to be disastrous to U.S. economic growth and long-term debt reduction goals. Finally, if the ISPs grow bolder over time and resort to manipulative and corrupt practices, it could endanger individual liberties as well. In the worst case scenario, the ruling political party could potentially pressure the ISPs to regulate content and control what we can access on the Internet. It is, therefore, important to revisit the net neutrality issue with thorough consideration to public input. A congressional oversight might be essential to preserve net neutrality.

## **Solution**

Congress should take an active role in monitoring the actions of the FCC, since the protection of constitutional rights such as individual liberties might fall outside the scope of the proposal that the FCC is currently deliberating. Allowing preferential access to Internet content could greatly affect mainstream America as we rely on social media for mass communication. If the government gets involved in censoring internet content, the consequences could be devastating. For example, if a biased ruling party does not subscribe to the negative impacts of global warming, that party could pressure ISPs to limit public access to relevant content in an attempt to influence public opinion. Erosion of individual rights, in such a scenario, would eventually threaten the fabric of democracy. For a democracy to thrive, individuals should have the right to know the facts about pressing issues such as global warming, even if the data are disturbing. Access to both the pros and cons of an issue in question are essential for making informed decisions as we seek comprehensive strategies and effective solutions to today's problems. It is prudent to learn from the pitfalls of a communist government like China that grossly violates the individual rights of its people through strict Internet censorship and suppression of collective action. In conclusion, Congress should have an oversight over FCC's proposed Internet policy legislation to preserve individual liberties and prevent Internet companies from blocking/manipulating Internet content.

## **Works Cited**

"Bill Summary & Status 113th Congress (2013 - 2014) H.R.3982." *The Library of Congress Thomas*. 07 Feb. 2014. Web.

Ruane, Kathleen Ann. "Net Neutrality: The FCC's Authority to Regulate Broadband Internet Traffic Management." *Congressional Research Service*. 26 Mar. 2014. Web.

"Statement by FCC Chairman Tom Wheeler on the FCC's Open Internet Rules." *Federal Communications Commission*. FCC, 19 Feb. 2014. Web.

## ***NSA: Backdoors and False Positives***

*Nikhil Bopardikar*

### **Background**

After the memorable attack in the United States of America on September 11, 2001, our nation has made great strides to prevent acts of terror domestically and internationally. President Bush initiated the war on terror, and measures, such as increasing airport security, were taken to foil plots of terror. Furthermore, in 2008 the National Security Agency (NSA) was empowered to comply with the Intelligence Reform and Terrorism Prevention Act of 2004 and “[m]aintain or strengthen privacy and civil liberties protections” (National Security Agency 2009). The NSA does a metadata analysis on a significant portion of the data on the Internet, but the organization does not stop there; the NSA accesses data from U.S. companies through its own private entrance.

### **Problem**

Since 1952 the NSA has specialized in code-breaking to decipher the messages of terrorists, foreign spies, and other threatening actors. As a result, the terror-fighting agency has created their personal backdoor to several U.S. companies, where they have access to all the company and users’ data in order to decode and examine if the data is relevant to any terror plots. Jeff Larson clarifies, “NSA rules permit the agency to store any encrypted communication, domestic or foreign, for as long as the agency is trying to decrypt it or analyze its technical features” (Larson 2013). Mathew D. Green, a cryptographer researcher at Johns Hopkins, explains, “The risk is that when you build a back door into systems, you’re not the only one to exploit it” (Larson 2013).

The impact of these backdoors is two-fold. First, Joseph Menn of Reuters reports that RSA received \$10 million in a deal with the NSA to use weaker encryption keys on their BSafe software (Menn 2013). However, by using substandard encryption keys, companies reduce their security, allowing advanced hackers to access confidential data. In addition, since the public knows that their information may be available to cyber experts internationally, fewer people will use the company’s products, overall hurting the U.S. economy. Larson further explains, “the NSA has spent \$250 million a year on its Sigint Enabling Project [for electronic eavesdropping], which ‘actively engages the U.S. and foreign IT industries to covertly influence and/or overtly leverage their commercial products’ designs’ to make them ‘exploitable’” (Larson 2013). In fact, Allan Holmes of Bloomberg confirms, “the NSA disclosures may reduce U.S. technology sales overseas by as much as \$180 billion, or 25 percent of information technology services, by 2016” (Holmes 2013).

In addition to the easier invasions of any user’s privacy, the amount of incorrect terrorist-related data increases. Bruce Schneier explains, “There are trillions of connections between people and events -- things that the data mining system will have to ‘look at’ -- and very few plots” (Schneier 2009). A terrorist is like a needle in a haystack, but adding more hay only makes it more difficult to find the needle. By collecting more data, the NSA is simply overwhelming the F.B.I. The American Civil Liberties Union provides an explanation: “Rather than helping them

'connect the dots,' it appears these overbroad data collection programs are impairing the FBI's ability to properly assess and respond to threat information it receives" (American Civil Liberties Union 2013). A former F.B.I. agent who was aware of the NSA affirms, "We'd chase a number, find it's a school teacher with no indication they've ever been involved in international terrorism - case closed [...] After you get a thousand numbers and not one is turning up anything, you get some frustration" (Bergman et al. 2006). Overall, along with violating the fourth amendment, the NSA is harming U.S. businesses and reducing the efficiency of the F.B.I.

### **Solution**

Congresswoman Eshoo should support the Surveillance State Repeal Act sponsored by Representative Rush Holt because it prohibits the NSA from acquiring information without a valid warrant based on probable cause and prevents the federal government from requiring manufacturers to build in mechanisms to bypass encryption or privacy technology (U.S. Congress 2013). By enforcing this bill, U.S. companies will use strong encryption keys, thus allowing people worldwide to feel safe about using U.S. company products. In addition, the NSA can allocate funds differently to search for more truthful leads. Moreover, with less data to mine, the amount of hay will decrease, letting the F.B.I. work more efficiently and not feel overwhelmed by the amount of data. In conclusion, people's inherent rights to privacy under the fourth amendment will not be violated with the Surveillance State Repeal Act in place because the NSA will be forced to ask before intruding.

### **Works Cited**

- American Civil Liberties Union. "Unleashed and Unaccountable: The FBI's Unchecked Abuse of Authority." Sept. 2013. PDF file.
- Bergman, Lowell, et al. "Spy Agency Data after Sept. 11 Led F.B.I. to Dead Ends." *New York Times* [New York] 17 Jan. 2006: n. pag. Print.
- Holmes, Allan. "NSA Spying Seen Risking Billions in U.S. Technology Sales." *Bloomberg Technology*. Bloomberg, 10 Sept. 2013. Web. 5 Mar. 2014. <<http://www.bloomberg.com/news/2013-09-10/nsa-spying-seen-risking-billions-in-u-s-technology-sales.html>>.
- Larson, Jeff. "Revealed: The NSA's Secret Campaign to Crack, Undermine Internet Security." *ProPublica: Journalism in the Public Interest*. Pro Publica, 5 Sept. 2013. Web. 5 Mar. 2014. <<http://www.propublica.org/article/the-nsas-secret-campaign-to-crack-undermine-internet-encryption>>.
- Menn, Joseph. "Exclusive: Secret Contract Tied NSA and Security Industry Pioneer." *Reuters*. Reuters, 20 Dec. 2013. Web. 5 Mar. 2014. <<http://www.reuters.com/article/2013/12/20/us-usa-security-rsa-idUSBRE9BJ1C220131220>>.
- National Security Agency/Central Security Service Mission*. National Security Agency, 15 Jan. 2009. Web. 4 Mar. 2014. <<http://www.nsa.gov/about/mission/>>.

Schneier, Bruce. "Why Data Mining Won't Stop Terror." *Wired*. Wired, 9 Mar. 2006. Web. 9 Mar. 2014.

<http://www.wired.com/politics/security/commentary/securitymatters/2006/03/70357>.

United States. Cong. House. *Surveillance State Repeal Act*. H. H.R.2818. Washington: GPO, n.d. Print.



## ***The Role of Social Media in Promoting Human Rights***

Vineet Kosaraju

### **Background**

Human rights are rights inherent to all human beings, whatever nationality, place of residence, sex, national or ethnic origin, color, religion, language, etc. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Social media refers to the means of interactions among people in which they create, share, and exchange information and ideas in virtual communities and networks. Social networking sites spread information faster than any other media. Social networking sites are the top news source for 27.8% of Americans, ranking below newspapers (28.8%) and above radio (18.8%) and other print publications (6%). Social media sites have created a new industry and thousands of jobs in addition to providing new income and sales.

In the wake of Arab Spring, it is imperative that we understand the role that social media plays in promoting Human rights, and address the issues inherent with the use of social media so that the power of social media gets unleashed in a productive fashion.

### **Problem**

The Internet and social media have become increasingly important in political activity. Blogging, video-sharing, and tweeting were crucial in the political events in North Africa and the Middle East in 2011. They are important to human rights defenders everywhere.

The use of these new technologies to assert old freedoms has been met with repression by some governments. Government officials increasingly contact authors or websites to apply pressure for content to be removed, with threats of legal action, withdrawal of contracts or licenses and outright bans – even where companies are based in overseas jurisdictions. A “word in the ear” of a senior executive can be just as effective. After all, companies are generally seeking to maximize profit; that is their *raison d’être*, not the protection of free speech. Regimes in certain parts of the world are also using social media to destroy human rights rather than use it to promote them.

Foreign policies should not undermine the goals of using social media to facilitate Human rights and Internet freedom. For example, U.S. sanctions on Iran obstruct the ability of American companies to provide important information systems. However, the U.S. government called on Twitter to maintain its connections in Iran during the uprising of mid-2009. Foreign policies directed towards the usage of social media for Human rights need to be more cogent.

Social networks contribute to false incrimination and could lead to false accusation of people and possibly destroying people’s rights and their lives. In the case of Boston bombings, sites like Reddit contributed to falsely spreading information (based on little or no evidence).

Among the people accused and tried in the court of public opinion was a missing Brown University student who was not accorded his basic rights in the world of social media.

## **Solution**

First and foremost is the development of policy that governs the usage of social media. These policies need to apply both to the companies that provide the tools for social media, and to the governments.

We need to develop policies that dissuade the “digital arms trade”. Policies should discourage companies from being complicit with the governments that violate human rights and provide the tools to governments to curb the rights of dissidents. Policies should also make sure that aid is provided only to the countries that recognize access to the Internet as a human right –it should be seen as an extension of the right to seek, receive, and impart information, and to exercise the right of freedom of expression.

Governments should also make it a priority to set aside funds that focus on supporting cyber dissidents and bloggers. For example, the Netherlands funded the development of the StoryMaker app, which enables amateur and professional journalists to report current abuses in their country in a quick, safe and responsible way using their smartphones.

To fight repression by rogue governments, we need to invest in the development of new technologies. We also need to promote the free availability of technology to assist in the proliferation of human rights. For example, Whisper Systems in California donated its encryption software to assist the Egyptian protesters in protecting mobile phone messages from government surveillance. Companies that promote the usage of social media for human rights should be encouraged and rewarded. In early 2011, Hillary Clinton announced that \$20 million had been awarded from 2007 to 2010 “to support a burgeoning group of technologists and activists working at the cutting edge of the fight against Internet repression,” and that another \$25 million would be awarded in 2011.

The final area of focus should be the creation of a social media policy to handle unfortunate misuse and false accusations that are the byproduct of a vibrant social community. All companies which provide the tools for social media should ensure that their subscribers understand what is allowed on social media and what is not allowed. These companies need to facilitate and create groups to handle social media. Finally these companies need to adequately fund efforts that can handle damage control in the case of an unfortunate event.

## **Works Cited**

- Joseph, Sarah. "Social Media, Political Change, and Human Rights." . 35 B.C. Int'l & Comp. L. Rev. 145 , 1 Jan. 2012. Web. . <<http://lawdigitalcommons.bc.edu/iclr/vol35/iss1/3>>.
- Marino, Kristin. "Social media: The new news source." . N.p., 16 Apr. 2012. Web. 3 May 2014. <<http://www.schools.com/visuals/social-media-news.html>>.
- Bensinger, Ken, and Andrea Chang. "Boston bombings: Social media spirals out of control." . Los Angeles Times, 20 Apr. 2013. Web. 3 May 2014. <<http://articles.latimes.com/2013/apr/20/business/la-fi-boston-bombings-media-20130420>>.

"What are human rights?." . United Nations Human Rights, n.d. Web. 3 May 2014.  
<<http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>>.

"Social Media and Human Rights." Council of Europe, 1 Feb. 2012. Web. 3 May 2014.  
<<https://wcd.coe.int/ViewDoc.jsp?id=1904319>>.

Roth, Kenneth. "New Laws Needed to Protect Social Media." . Global Post, 15 Apr. 2011. Web.  
3 May 2014. <<http://www.hrw.org/news/2011/04/15/new-laws-needed-protect-social-media>>.

"ICYMI: KEATING PROPOSES SOLUTION TO SOCIAL MEDIA ABUSE BY  
REPRESSIVE GOVERNMENTS." . N.p., 16 Feb. 2011. Web. 3 May 2014.  
Tripathi, Salil. "Keeping the virtual world one step ahead of the real world." . Institute for  
Human Rights and Business, 12 Dec. 2011. Web. 3 May  
2014.<[http://www.ihrb.org/commentary/staff/social\\_media\\_and\\_human\\_rights-keeping\\_the\\_virtual\\_world\\_one\\_step\\_ahead\\_of\\_the\\_real\\_world.html](http://www.ihrb.org/commentary/staff/social_media_and_human_rights-keeping_the_virtual_world_one_step_ahead_of_the_real_world.html)>.

Halbrooks, Glenn. "Creating a Social Media Policy." . N.p., n.d. Web. 3 May 2014.  
<<http://media.about.com/od/managementresources/a/Creating-A-Social-Media-Policy.htm>>.

## **Women's Rights Subcommittee**

### ***The Ignored Felony: Sexual Assault on College Campuses***

Samantha Dadok

#### **Background**

At least one in five college women will be victims of sexual assault during their academic career. Despite these deep ramifications for the female population, it's a statistic that remains widely downplayed. Even with the heavy toll it takes on the emotional and physical wellbeing of the victims, perpetrators often get off with punishments akin to cheating on an exam (McNamara).

#### **Problem**

Rape is an issue that is still difficult for many people to talk about. Legally, it's often a mess to determine whether the sex was consensual or not, and often the only two people who know are sitting on opposite sides of the courthouse. The lack of communication and open dialogue about rape makes it continue to be a difficult crime to combat. Too often we reassure ourselves that we could identify rape from consensual sex and could intervene if we saw an assault taking place. Too often those same lines we draw and definitions we create become hazy and blurred under the influence drugs, alcohol, and societal pressure.

It has become apparent that college tribunals, made up of students, teachers and faculty are ineffective and ill informed. These have repercussions not only for the victims of sexual assault but also for males who have been falsely accused. In response to a rape allegation at Xavier College, Joseph T. Deters, a prosecuting attorney was asked to look over the transcript of the hearing to which he said, "It shocked me. There were students on that conduct board, looking at rape kits; they'd say, 'I don't know what I'm looking at.'" (Winerip). This lack of knowledgeable people on the tribunal can lead to injustice for either party, whether it is the guilty going free or the innocent getting punished. Sexual assault is the only violent crime routinely investigated by college tribunals; all other violence that takes place on campus gets handed over the police. A major felony being "investigated and adjudicated by amateurs, in secret, without subpoena powers, a right to representation, or any kind of due process controls." (Johnson), is not only ridiculous but a clear obstruction of justice.

Colleges also lack a coordinated response to sexual crime as a whole, and in the case of investigation or indictment, often don't provide pertinent information to campus students. In 2013, when Amherst College in Massachusetts finally released its long awaited study of sexual violence on campus, whose rampant sexual assaults drew the student sported slogans of "Amherst — sweeping sexual assault under the rug since 1821", the panel mentioned that victims were often pressured by peers in particular circles to remain silent. Yet it concluded "There is no need to name specific student groups here." (McNamara). Students have the right to know what's going on in their college campus, especially when it pertains to their safety. Outing the student groups for obstructing justice might have been the first step to changing the perceptions of rape on Amherst campus, yet instead the board chose silence, and therefore continuing to promote the unacceptable status quo.

#### **Solution**

Ultimately, silence is the thing we have to combat. The most promising of solutions is bystander intervention programs, which call upon the active intervention of bystanders in helping

stop sexual violence. While it seems elementary, a lot of times the bystanders (mostly fellow students) can't tell the difference between a consensual hookup and rape. Bystander intervention programs educate students on the definition of sexual assault, how to identify it and ultimately how to help others get out of harmful situations. By outlining the expectations of students early on in their freshman year, there remains no gray area in which wiggle around in. And these programs have been proven to work. Following a brutal gang rape in 1987, the University of New Hampshire, A rape treatment crisis center has been funded and is well staffed with a team of 12 professors and researchers that have formed a center for evaluating and implementing bystander programs. 37% of female students reported being sexually assaulted in 1987; by 2006 it was down to 21% and by 2012 it fell to 16%. (Winerip)

The amendments to the SaVE Act in the Violence Against Women Reauthorization Act that was signed into law by President Obama March 7, 2013 are a step in the right direction but do not do nearly enough. The amendments now obligate colleges to incorporate more information into their annual crime reports, namely acts of domestic violence, dating violence and stalking (Sacco). While this help increases the awareness of crimes taking place on campuses, it in no way helps college students learn how to make a difference on their own, and in doesn't hold colleges accountable for information on specific cases or studies. Petula Dvorak of the Washington Post asks a very pertinent question "Why do university officials report a series of campus break-ins or robberies to the police, but send sexual assault cases to a counselor?" (Dvorak) Sexual assault is a crime, not an infraction of the college handbook, and thus rape cases need to be sent to the law enforcement, not uninformed college tribunals. Rape and sexual assault on college campuses shouldn't be something swept under the rug; it should be examined from the standpoint of federal law in the promise that justice will be served.

### Works Cited

- Dvorak, Petula. "Stop Blaming Victims for Sexual Assaults on Campus." *Washington Post*. The Washington Post, 25 Feb. 2014. Web. 09 Mar. 2014.
- Johnson, KC. "The Strange Justice Of Campus Rape Trials." *Mindingthecampus.com*. Minding the Campus: Reforming Our Universities, 15 Dec. 2013. Web. 09 Mar. 2014.
- McNamara, Eileen. "Dean Are Out of Their Depth: Sexual Assault on College Campuses." *Cognoscenti.wbur.org*. National Public Radio, 11 Feb. 2013. Web. 09 Mar. 2014.
- "New Campus Obligations Under Violence Against Women Act." *Acenet.edu*. American Council on Education, 20 Mar. 2013. Web. 09 Mar. 2014.
- Sacco, Lisa N. *The Violence Against Women Act: Overview, Legislation, and Federal Funding*. Rep. no. 7-5700. Washington D.C: Congressional Research Service, 2013. Print.
- "Sexual Assault and College Campuses - Statistics." *Statistics about Sexual Assault*. Sarah Lawrence College, n.d. Web. 09 Mar. 2014.
- Winerip, Michael. "Stepping Up to Stop Sexual Assault." *The New York Times*. The New York Times, 08 Feb. 2014. Web. 09 Mar. 2014.

## ***Women's Rights in the Military***

Karina Fonstad

### **Problem**

Addressing women's rights in the military traditionally focuses on equality. While this is still the defining metric, the question remains – what does equality mean? Some define equality as women being treated exactly the same as men. Under this predominant definition, women would be expected to enlist in times of draft. In January 2016 the Obama administration will roll out a plan for women to be subject to selective service. In a poll conducted in 2013 by the *Military Times*, uniformed women in the draft were asked if they would want to take a combat position once it was open to them and only 13% said a definitive yes, 9% were not sure, and 77% said no. This policy challenges the definition of equality. Equality with regards to sex does not mean equal requirements for both men and women. Women have different capabilities than men, thus there are different places where each gender is well suited. In the army, there are higher risks for women with respect to women's health and safety, as they are much more likely to be victims of rape (many are unreported), which leads to emotional and physical consequences. Additionally, women face health issues unique to their gender, and many doctors stationed with women are incapable of caring properly for their needs. For example, in a recent report published by the nonprofit group, Iraq and Afghanistan Veterans of America, female soldiers reported that they were afraid to ask for a pap-smear because they feared being judged by their comrades or inconveniencing the officer from whom they were requesting the test (VA, Military Facing Challenges of Women's Health Care.). Another challenge women face is through their different body structures. Army packs are specifically designed for men's' backs, making women, whose backs are structured differently, potentially less successful.

### **Background**

Success stories from all over the world demonstrate how inhabitants of a country occupied by our military are more likely to open up to and confer with women than with men. In Afghanistan, the US army has recently created a branch entirely made of women- called FETs (Female Engagement Teams). Members of the army volunteer to be a part of these FETs that speak to the Afghan women who are not allowed to talk to the US men due to cultural prohibitions. FETs are trained to learn about the language and culture of Afghanistan in order to “encourage the [Afghan] wives to influence their husbands to stay clear of insurgent affairs and focus instead on bettering their families and their villages” (Female engagement teams: Who they are and why they do it). FETs have also helped create “a holistic picture of what was going on in the villages to increase overall operational knowledge” ('FET' to fight). FETs are distinctly able to establish “people-to-people” contact with Afghan community members” ('FET' to fight). Another role that women can play in the military is through the UN Directive 1325, which is a specific branch in the United Nations for women in peacekeeping where women can use their unique abilities in ways that men have not been able to in the past, as they are able to engage with the community on a completely different level than men are able to (Norville, Valerie). Despite this, the problem with FETs is that their training is not standardized, and it is a volunteer system that is not especially well known. Putting unwilling uniformed women into combat where they already have unfair disadvantages due to male-oriented equipment and health care is not the answer. It is more practical to place them in non-combat roles where they will succeed, while also having the choice to be in combat roles. Equality with regards to sex means honoring the unique differences between men and women and letting them make the most positive impact possible with their specific skill set.

## **Solution**

Moving forward, the real effort needs to focus on women's and men's strengths, while offering equal opportunity. This is the next phase of growth and leadership for women in the military. How the US military incorporates and supports women will be watched closely by the rest of the world. By taking advantage of UN standards and the renewed emphasis on Directive 1325, the US can achieve equality while putting women where they can be most successful. If the US supports women in having the option of joining the peace-keeping forces with either the United Nations or expanding the FETs to other places the US has occupied, considerable differences could be made in regards to US relations with other countries and cooperation with other countries. By approaching communities in a less confrontational way, we can successfully interact with different communities across the world and build better relationships with them that will help our international relationships as a whole and secure our international interests. We need to encourage choice, but entertain the possibility that men and women are not completely the same by optimizing roles so that both men and women can be as successful as possible with their unique capabilities.

## **Works Cited**

"ARMY.MIL, The Official Homepage of the United States Army." *Female engagement teams: Who they are and why they do it*. 25 Feb. 2014

"ARMY.MIL, The Official Homepage of the United States Army." *'FET' to fight: Female Engagement Team makes history*. 01 Mar. 2014

Burrelli, David F. "Women in Combat: Issues for Congress." Congressional Research Service. 9 May 2013. 01 Mar. 2014.

"CMR Submits Statement for Record of House Hearing on Women in Land Combat - Women in Combat - Center for Military Readiness." CMR Submits Statement for Record of House Hearing on Women in Land Combat - Women in Combat - Center for Military Readiness. 04 Mar. 2014

Holliday, Janet R. "Female Engagement Teams, The Need to Standardize Training and Employment." US Army War College. 2012. 01 Mar. 2014.

Norville, Valerie. "The Role of Women in Global Security." United States Institute of Peace. 2011. 01 Mar. 2014.

"VA, Military Facing Challenges of Women's Health Care." *Most Read*. N.p., n.d. Web. 1 Mar. 2014.

"Women Veterans Health Care." Home. U.S. Department of Veterans Affairs. 01 Mar. 2014

## *Access to Contraceptives*

Natalie Silverman

### **Background**

Currently, there is no nation-wide law to prevent health care providers from refusing to fill birth control prescriptions based on personal moral or religious views. Across all states there have been numerous incidents of women receiving false information surrounding birth control eligibility.

Pharmacies have denied women prescriptions and given false information on numerous occasions. In 2013, an investigation was conducted to view the treatment of teenagers attempting to purchase emergency contraception<sup>4</sup>. The study found that about 20% of pharmacy staff claimed that the callers were not allowed to get any type of emergency contraception because of their age, which is false information. Of the other 80%, only half of the employees correctly informed the teenagers of the correct age requirements. Researchers also found that some pharmacy staff made negative comments towards contraceptives, citing ethical reasons (Kahn).

In addition to this study, countless other refusals have been documented throughout the country. An example includes a young mother who went to her local Wal-Mart in search of emergency contraception and later posted online that “the pharmacist on staff ‘shook his head and laughed’... and even though the store stocked EC, no one staff would sell it to her”. In another case, another sought aid after a birth control failure, but the employee would not provide the woman with it because the employee thought it was immoral (Pharmacy Refusals 101). These women and thousands of others are in danger of unwanted pregnancies because pharmacies are not providing them with the care that they legally should be supplying. It should not be within the right of a pharmacist to deny a legal in-stock prescription to an eligible individual.

### **Problem**

While the Affordable Care Act has “removed financial hurdles for millions of women; we can’t allow other obstacles to be placed in their way,” says Sen. Frank Lautenberg. Certain pharmacies have updated their contraceptive policies to protect clients from inappropriate employee comments and actions. While this is a start, the National Women’s Law Center has still found cases of pharmacists denying birth control prescriptions in over 24 states. It is apparent that “the industry’s self-regulation isn’t enough” as only a few states<sup>5</sup> require pharmacies to always fill women’s birth control prescriptions (Culp-Ressler). In contrast, Arizona, Arkansas, Georgia, Idaho, Mississippi and South Dakota, allow the denial of contraception based on personal beliefs. A few other states<sup>6</sup> “have broad refusal clauses that do not specifically mention pharmacists” (Pharmacist Conscience Clauses).

### **Solution**

---

<sup>4</sup> Tracey Wilkinson, M.D., and pediatrician at the Children’s Hospital of Los Angeles

<sup>5</sup> These states include California, Maine, Nevada, New Jersey, Washington, Wisconsin.

<sup>6</sup> States with “broad refusal laws” include Colorado, Florida, Illinois, Maine and Tennessee.



To prevent misinformation in the store itself, signs could be mandated explaining current birth control laws. This would reduce the confusion regarding age requirements and leave the decisions regarding contraception to the law, not to the employee at the counter. Furthermore, a national policy should be instituted to ensure the confidentiality, safety, and comfort of clients.

*The Access to Birth Control Act* (ABC) was introduced in the House of Representatives in February 2013. This act could tremendously improve the safety of women by ensuring that pharmacists are required to provide a customer a contraceptive without delay if the product is in stock. In addition, if the product is not in stock, then a pharmacist must transfer the prescription to a store where it is in stock or expedite it to the store and notify the customer of this action. If ABC is passed, pharmacy employees would also be forbidden to “take certain actions relating to a request for contraception, including intimidating, threatening, or harassing customers, interfering with or obstructing the delivery of services, intentionally misrepresenting or deceiving customers about the availability of contraception or its mechanism of action” (H.R.728). Overall, ABC will provide protection to an individual’s access to legal birth control. If this Act is passed, pharmacists will not be able to infringe on a woman’s rights by declining to fill a prescription based on personal beliefs. ABC can provide a new level of protection for women by establishing another level of safety through the completion of valid prescription in a timely manner (Access to Birth Control Act).

It is an individual’s right to purchase contraceptives and other types of birth control without being met with harassment at the time of purchase or when trying to obtain such products. Stricter pharmaceutical laws in support of a woman’s right to protect her body through emergency contraceptives should be implemented, such as the Access to Birth Control Act and signs clarifying eligibility. Lastly, medical practitioners have a moral obligation to fulfill their duty of providing appropriate medical care. Lying and withholding information to clients is unacceptable and must be made illegal. No one should be able to obstruct or delay another’s access to any type of medicine if the person is eligible and legally entitled to receive it.

### **Works Cited**

- "Access to Birth Control Act." *Congresswoman Carolyn Maloney*. N.p., n.d. Web. 09 Mar. 2014.
- Culp-Ressler, Tara. "Democratic Lawmakers Seek To Prevent Pharmacists From Refusing To Fill Birth Control Prescriptions." *ThinkProgress*. N.p., 15 Feb. 2013. Web. 10 Mar. 2014.
- "H.R.728 - Access to Birth Control Act." *Congress.Gov*. N.p., n.d. Web. 10 Mar. 2014.
- Kahn, Katherine. "Pharmacy Staff Frequently Misinform Teens Seeking Emergency Contraception." *Center for Advancing Health*. N.p., 19 Dec. 2013. Web. 10 Mar. 2014.
- "Pharmacy Refusals 101." *National Women's Law Center*. N.p., 24 Apr. 2012. Web. 10 Mar. 2014.
- "Pharmacist Conscience Clauses: Laws and Information." *National Conference of State Legislatures*. N.p., May 2012. Web. 04 May 2014.

## ***The Women's Right to Choose***

Samantha Gerber

### **Background**

In the United States, the first set of laws and regulations regarding abortion were created in the 1800s. Connecticut was the first state to make abortion illegal in 1821. By 1900, every state had laws regarding abortion (Cole). There were about 100,000 illegal abortions each year in California before 1973 (Congresswoman Anna G Eshoo). The topic of abortion caught the attention of the country and made its way to the Supreme Court in 1973. *Roe v. Wade* stated that women have the right to terminate their pregnancy and the U.S. Constitution protects their decision (Shimaburkuro). *Roe vs. Wade* is critical because it stated that under federal law it was illegal to ban abortions. In *Doe v. Bolton* it was concluded that states could not put limitations on access for women to decide whether or not to have an abortion (Shimaburkuro). The Court created the Freedom of Choice Act, which declared that before fetal viability a state could not control a woman's right to terminate her pregnancy (GovTrack). In the 108th Congress, the Partial-Birth Ban Act passed which stated that one cannot perform a late term because it would be considered killing a fetus (FindLaw).

### **Problem**

Abortion is a very controversial issue because it is pertinent to both the lives of mothers and their child. Many people have different views regarding this topic because of their personal or spiritual beliefs. Although in California abortion is legal and accessible, in many other states it is virtually impossible to get an abortion due to statewide laws created to ban abortion. Laws have changed, and in *Webster v. Reproductive Health Services*, leeway was given to the states to regulate abortion (Shimaburkuro). Although obtaining an abortion is a safe procedure some states argue that it has too many risks (Guttmacher Institute); therefore, states make efforts to make sure it is very hard to get an abortion. A woman's decision whether or not to get an abortion should not be up to the government. Many women resort to illegal and unsafe abortions due to the fact that they are not able to obtain one legally because of certain statewide regulations.

### **Solution**

If the Women's Health Protection Act of 2013 sponsored by Richard Blumenthal is passed, all women would have the right to choose whether or not they want to have their child no matter what state they live in. This act would also ensure safe abortions and that states could not pass Targeted Regulation of Abortion Providers (GovTrack). Currently, there is a 3% chance of the bill being passed and the bill has 34 cosponsors (GovTrack). The solution that I propose is that Congresswoman Anna Eshoo should continue to support pro-choice and the Women's Health Protection Act of 2013 and encourage others to support this important bill as well.

### **Works Cited**

Cole, George F., and Stanisław Frankowski. *Abortion and Protection of the Human Fetus: Legal Problems in a Cross-cultural Perspective*. Dordrecht: M. Nijhoff, 1987. Print.

- "FindLaw | Cases and Codes." FindLaw | Cases and Codes. Thomson Reuters, 2014. Web. 04 May 2014.
- "Freedom of Choice Act of 1993 (1993S. 25)." GovTrack.us. GovTrack, 2014. Web. 8 May 2014.
- "Protecting a Woman's Right to Reproductive Choice." Congresswoman Anna G. Eshoo. N.p., 2014. Web. 7 Mar. 2014.
- Shimabukuro, Jon O. "Abortion: Judicial History and Legislative Response." *Congressional Research Service*. Congressional Research Service, 24 Jan. 2014. Web. 7 Mar. 2014.
- "State Facts About Abortion: California." State Facts About Abortion: California. Guttmacher Institute, 2014. Web. 05 Mar. 2014.
- "Women's Health Protection Act of 2013 (S. 1696)." GovTrack.us. GovTrack, 2014. Web. 08 May 2014.

## **Conclusion**

As human beings, there are certain rights that we are all entitled to simply by virtue of who we are. No matter how one chooses to define our basic human rights, it is our duty to do all we can to defend them. Therefore, the 2013-2014 Student Advisory Board chose to compile a report highlighting the many ways in which Congresswoman Eshoo can use her position of leadership in Congress to aid the defense of human rights throughout the United States.

In this report, the members of this year's Board have examined issues pertaining to human rights with regards to the areas of criminal rights, education, healthcare, immigration, labor, privacy, women's rights, and the rights of lesbian, gay, bisexual, and transgender Americans everywhere. With the specific issues and problems we have chosen to research and the various sources we have consulted, the Board hopes that this report can provide Congresswoman Eshoo with a comprehensive understanding of what the youth of her constituency believe is important in the field of human rights, and the steps we believe should be taken to ensure that the United States lives out its creed.

The Student Advisory Board is immensely appreciative of Congresswoman Eshoo's efforts to give the youth of America a voice in our government. It holds true that no person is ever too young to make a difference, and we are inspired by the recognition of this simple fact.

## 2013-2014 Student Advisory Board

Kelsey Page, Chair	<i>Sacred Heart Preparatory</i>
Reed Piercey, Vice Chair	<i>Bellarmino College Preparatory</i>
Charles Andre, Tech Officer	<i>Saint Francis High School</i>
Sharon Chen, Tech Officer	<i>Gunn High School</i>
Nitya Kasturi, Tech Officer	<i>Gunn High School</i>
Chelsey Ko, Secretary	<i>Menlo School</i>
Krishna Ammini	<i>Los Altos High School</i>
Grant Baum	<i>Lydian Academy</i>
Nikhil Bopardikar	<i>Harker High School</i>
Jessica Bird	<i>Sacred Heart Preparatory</i>
Emily Chao	<i>Mountain View High School</i>
Samantha Dadok	<i>Los Altos High School</i>
Chela Davila	<i>Castilleja School</i>
Karina Fonstad	<i>Castilleja School</i>
Samantha Gerber	<i>Castilleja School</i>
Madhumita Gupta	<i>Palo Alto High School</i>
Sasha Harrsion	<i>Pinewood School</i>
Tony Jiang	<i>Gunn High School</i>
Logan Kemp	<i>Los Gatos High School</i>
Lauren Kim	<i>The King's Academy</i>
Annie Kong	<i>Pinewood High School</i>
Vineet Kosaraju	<i>Harker High School</i>
Megan Kuhnle	<i>Gunn High School</i>
Dhruv Kumar	<i>Saint Francis High School</i>
Rachel Lai	<i>Catilleja School</i>
Mary Liu	<i>Harker High School</i>
Elaine Lu	<i>Gunn High School</i>
Julia McKay	<i>Castilleja School</i>
Mariam Nasrullah	<i>Gunn High School</i>
Jacob Newman	<i>Crystal Springs High School</i>
Caleb O'Neel	<i>Menlo-Atherton High School</i>
Ethan Oro	<i>Menlo-Atherton High School</i>
Gray Perrone	<i>Menlo-Atherton High School</i>
Mason Seymour	<i>Menlo-Atherton High School</i>
Rebecca Shoch	<i>Menlo School</i>
Natalie Silverman	<i>Menlo-Atherton High School</i>
Mariam Sulakian	<i>Harker High School</i>
James Sun	<i>Los Altos High School</i>
Tony Sun	<i>Los Altos High School</i>
Anna Yu	<i>Castilleja School</i>
Alexandra Zafan	<i>Castilleja School</i>

